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To E. S. Fussman. Esq
"Merrie Christmas" 18

Will

Webster
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WEBSTER

AND

HIS MASTER-PIECES.

BY

REV. B. F. TEFFT, D. D., LL. D.

AUTHOR OF "HUNGARY AND KOSSUTH."

IN TWO VOLUMES.

VOLUME II.

AUBURN AND BUFFALO:
MILLER, ORTON & MULLIGAN.
1854.

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AUBURN:
MILLER, ORTON & MULLIGAN,
STEREOTYPERS AND PRINTERS.

PREFACE.

It has been my intention in this volume to give, not only Mr. Webster's acknowledged master-pieces, but his master-piece in each department of the great field of intellectual action which he occupied in life; and, though there are other speeches, which would compare favorably with some that have found a place here, there is none, it is believed, which could be regarded as superior, in any of the divisions, to the one selected.

In several of the great speeches not included in this collection, there are single passages, which, perhaps, could scarcely be surpassed, if some of them could be equaled, by any passages found in the speeches included in this volume; but, in making a collection of his master-pieces, the object of search is not single passages, but entire performances; and, taking this as the standard, there is no room for doubt that the volume here presented to the reader contains the ablest and most eloquent productions bequeathed to the world by the genius of Daniel Webster. They are the productions, which, it is presumed, every gentleman will feel it necessary to have about him; and it is equally presumable that no enlightened parent, no true-hearted American citizen, will wish to have his sons and daughters grow up without becoming more or less familiar with those master efforts of the greatest man, intellectually, which our common country has yet given us.

We have heard much in days passed, and may hear more in days to come, of a dissolution of our national confederacy. Rank doctrines are no doubt at work in different sections of the Union, and in the several strata of society. While Mr. Webster lived, he was acknowledged as the ablest supporter and defender of the constitution as it is, and of the country as it is. From one end of the country to the other, from the rocky shores of the Atlantic to the peace-

ful waters of the Pacific, his name, his voice, his authority, were everywhere known and recognized as the great bulwark of our American nationality, of our American independence, of the integrity and perpetuity of our great and united American republic. At the north, and at the south, from the east to the farthest west, he was known and felt in this high capacity. But he was thus known, not by virtue of any office he ever filled; for he never rose to an office which made him the representative of more than one state in the confederacy. He was known as such, indeed, not so much as a senator from the patriotic state of Massachusetts, as for his personal ability and efforts, out of congress as well as in it, from the day his name became connected with the history of the country. He was so known, in a word, for the speeches he made, at different times, as the first of American orators devoted to the defence of the institutions and of the existence of the nation; and these speeches, which are destined to last from generation to generation, constitute the body of this volume. Since the living voice, then, is silent forever in the grave, shall not the immortal utterances of that voice be welcome throughout the whole country, east, west, north, south, as the best creations of American oratorical genius, and as the most salutary instructions and lessons to the entire American brotherhood? Though born in one section of the country, and settled in after life in another section, he belonged to all sections equally, to the whole people of the republic; and his name and fame, and his immortal works, should be equally welcome, and will be welcome, in every portion of the Union.

It will be a curious and instructive exercise for the reader, in the perusal of the several speeches, to look at the dates of their publication, and thus note the progress of Mr. Webster's mind toward that wonderful development which it finally attained; and it will be particularly noticed, that between the times of his Dartmouth College argument and of his reply to Hayne, which mark the two extremes of the most brilliant period of his life, there is a space of only twelve years, which were the years intervening between the *thirty-sixth* and the *forty-eighth* year of his age.

It is quite evident that Mr. Webster matured rather slowly; that his efforts made before the age of fifty were his most popular because the most impassioned efforts; but that his productions dated beyond the age of fifty, though less fiery, are generally more indic-

ative of his unsurpassed abilities as a man of deep, penetrating, far-reaching, and comprehensive mind. His mind, indeed, seemed to grow clearer as he advanced in years; and the very latest speeches, though not so striking to superficial hearers, will be regarded hereafter, by close and competent readers, as the most finished of all the productions of his tongue and pen.

One result, it is to be earnestly hoped, will not fail to follow a general circulation of these master-pieces among the generous youth of Mr. Webster's native land. It is to be hoped that his style of elocution, calm, slow, dignified, natural, unambitious, and yet direct and powerful, will take the place of that showy, flowery, flashy, fitful and boisterous sort of speaking, which seems to be becoming too common, which so breaks down the health of the speaker, and which is nevertheless most likely to strike the feelings and corrupt the judgment of the young. Let me here say plainly, that, having heard Mr. Webster speak very frequently, on almost every variety of occasion, I have never heard him, even when most excited, raise his voice higher, or sink it lower, or utter his words more rapidly than he could do consistently with the most perfect ease, and with the utmost dignity of movement. He never played the orator. He never seemed to be making any effort. What he had to say he said as easily, as naturally, and yet as forcibly as possible, with such a voice as he used in common conversation, only elevated and strengthened to meet the demands of his large audiences. So intent did he seem to be, so intent he certainly was, in making his hearers see and feel as he did, in relation to the subject of the hour, that no one thought of his manner, or whether he had any manner, till the speech was over. That is oratory, true oratory; and it is to be hoped that the more general distribution of these master-pieces will have the ultimate effect of making it the American standard of oratory from this age to all future ages.

Clifton Springs, *October*, 1854.

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WEBSTER'S MASTER-PIECE

AS

A CONSTITUTIONAL LAWYER.

DARTMOUTH COLLEGE CASE.

INTRODUCTORY NOTE.

Mr. Webster's argument in the Dartmouth College Case has stood, from the day of its delivery, as his universally acknowledged master-piece in this department of his public labors. The circumstances attending the delivery of the speech, with the origin and nature of the suit, have been given in the previous volume of this work. As the master-pieces are arranged in chronological order, that the growth of Mr. Webster's mind may be noted, the reader will observe that this speech was delivered in 1818, when the author of it was about *thirty-six* years of age. It is perhaps scarcely necessary to add, that Mr. Webster gained his case.

DARTMOUTH COLLEGE VS. WOODWARD.

ARGUMENT IN THE CASE OF THE TRUSTEES OF DARTMOUTH COLLEGE VS. WOODWARD, BEFORE THE SUPREME COURT OF THE UNITED STATES, ON THE 10TH DAY OF MARCH, 1818.

THE general question is, whether the acts of the 27th of June, and of the 18th and 26th of December, 1816, are valid and binding on the rights of the plaintiffs, *without their acceptance or assent.*

The charter of 1769 created and established a corporation, to consist of twelve persons, and no more; to be called the "Trustees of Dartmouth College." The preamble to the charter recites, that it is granted on the application and request of the Rev. Eleazer Wheelock: That Doctor Wheelock, about the year 1754, established a charity school, at his own expense, and on his own estate and plantation: That for several years, through the assistance of well-disposed persons in America, granted at his solicitation, he had clothed, maintained, and educated a number of native Indians, and employed them afterwards as missionaries and schoolmasters among the savage tribes: That, his design promising to be useful, he had constituted the Rev. Mr. Whitaker to be his attorney, with power to solicit contributions, in England, for the further extension and carrying on of his undertaking; and that he had requested the Earl of Dartmouth, Baron Smith, Mr. Thornton, and other gentlemen, to receive such sums as might be contributed, in England, towards supporting his school, and to be trustees thereof, for his charity; which these persons had agreed to do: And thereupon Doctor Wheelock had executed to them a deed

of trust, in pursuance to such agreement between him and them, and, for divers good reasons, had referred it to these persons to determine the place in which the school should be finally established: And, to enable them to form a proper decision on this subject, had laid before them the several offers which had been made to him by the several governments in America, in order to induce him to settle and establish his school within the limits of such governments for their own emolument, and the increase of learning in their respective places, as well as for the furtherance of his general original design: And inasmuch as a number of the proprietors of lands in New Hampshire, animated by the example of the governor himself and others, and in consideration that, without any impediment to its original design, the school might be enlarged and improved, to promote learning among the English, and to supply ministers to the people of that province, had promised large tracts of land, provided the school should be established in that province, the persons before mentioned, having weighed the reasons in favor of the several places proposed, had given the preference to this province, and these offers: That Doctor Wheelock therefore represented the necessity of a legal incorporation, and proposed that certain gentlemen in America, whom he had already named and appointed in his will to be trustees of his charity after his decease, should compose the corporation. Upon this recital, and in consideration of the laudable original design of Doctor Wheelock, and willing that the best means of education be established in New Hampshire, for the benefit of the province, the king granted the charter, by the advice of his provincial council.

The substance of the facts thus recited is, that Doctor Wheelock had founded a charity, on funds owned and procured by himself; that he was at that time the sole dispenser and sole administrator, as well as the legal owner, of these funds; that he had made his will, devising this property in trust, to continue

the existence and uses of the school, and appointed trustees; that, in this state of things, he had been invited to fix his school, permanently in New Hampshire, and to extend the design of it to the education of the youth of that province; that before he removed his school, or accepted this invitation, which his friends in England had advised him to accept, he applied for a charter, to be granted, not to whomsoever the king or government of the province should please, but to such persons as he named and appointed, namely, the persons whom he had already appointed to be the future trustees of his charity by his will.

The charter, or letters patent, then proceed to create such a corporation, and to appoint twelve persons to constitute it, by the name of the "Trustees of Dartmouth College;" to have perpetual existence, as such corporation, and with power to hold and dispose of lands and goods, for the use of the college, with all the ordinary powers of corporations. They are in their discretion to apply the funds and property of the college to the support of the president, tutors, ministers, and other officers of the college, and such missionaries and schoolmasters as they may see fit to employ among the Indians. There are to be twelve trustees forever, *and no more;* and they are to have the right of filling vacancies occurring in their own body. The Rev. Mr. Wheelock is declared to be the founder of the college, and is, by the charter, appointed first president, with power to appoint a successor by his last will. All proper powers of government, superintendence, and visitation are vested in the trustees. They are to appoint and remove all officers at their discretion; to fix their salaries, and assign their duties; and to make all ordinances, orders, and laws for the government of the students. And to the end that the persons who had acted as depositaries of the contributions in England, and who had also been contributors themselves, might be satisfied of the good use of their contributions, the president was annually, or

when required, to transmit to them an account of the progress of the institution and the disbursements of its funds, so long as they should continue to act in that trust. These letters patent are to be good and effectual, in law, *against the king, his heirs and successors forever*, without further grant or confirmation; and the trustees are to hold all and singular these privileges, advantages, liberties, and immunities to them and to their successors forever.

No funds are given to the college by this charter. A corporate existence and capacity are given to the trustees, with the privileges and immunities which have been mentioned, to enable the founder and his associates the better to manage the funds which they themselves had contributed, and such others as they might afterwards obtain.

After the institution thus created and constituted had existed, uninterruptedly and usefully, nearly fifty years, the legislature of New Hampshire passed the acts in question.

The first act makes the twelve trustees under the charter, and nine other individuals, to be appointed by the governor and council, a corporation, by a new name; and to this new corporation transfers all the *property*, *rights*, *powers*, *liberties*, *and privileges* of the old corporation; with further power to establish new colleges and an institute, and to apply all or any part of the funds to these purposes; subject to the power and control of a board of twenty-five overseers, to be appointed by the governor and council.

The second act makes further provisions for executing the objects of the first, and the last act authorizes the defendant, the treasurer of the plaintiffs, to retain and hold their property, against their will.

If these acts are valid, the old corporation is abolished, and a new one created. The first act does, in fact, if it can have any effect, create a new corporation, and transfer to it all the property and franchises of the old. The two corporations

are not the same, in anything which essentially belongs to the existence of a corporation. They have different names, and different powers, rights, and duties. Their organization is wholly different. The powers of the corporation are not vested in the same, or similar hands. In one, the trustees are twelve, and no more. In the other, they are twenty-one. In one, the power is in a single board. In the other, it is divided between two boards. Although the act professes to include the old trustees in the new corporation, yet that was without their assent, and against their remonstrance; and no person can be compelled to be a member of such a corporation against his will. It was neither expected nor intended that they should be members of the new corporation. The act itself treats the old corporation as at an end, and going on the ground that all its functions have ceased, it provides for the first meeting and organization of the new corporation. It expressly provides, also, that the new corporation shall have and hold all the property of the old; a provision which would be quite unnecessary upon any other ground, than that the old corporation was dissolved. But if it could be contended that the effect of these acts was not entirely to abolish the old corporation, yet it is manifest that they impair and invade the rights, property, and powers of the trustees under the charter, as a corporation, and the legal rights, privileges, and immunities which belong to them, as individual members of the corporation.

The twelve trustees were the *sole* legal owners of all the property acquired under the charter. By the acts, others are admitted, against *their* will, to be joint owners. The twelve individuals who are trustees were possessed of all the franchises and immunities conferred by the charter. By the acts, *nine* other trustees and *twenty-five* overseers are admitted, against their will, to divide these franchises and immunities with them.

If, either as a corporation or as individuals, they have any

legal rights, this forcible intrusion of others violates those rights, as manifestly as an entire and complete ouster and dispossession. These acts alter the whole constitution of the corporation. They affect the rights of the whole body as a corporation, and the rights of the individuals who compose it. They revoke corporate powers and franchises. They alienate and transfer the property of the college to others. By the charter, the trustees had a right to fill vacancies in their own number. This is now taken away. They were to consist of twelve, and, by express provision, of no more. This is altered. They and their successors, appointed by themselves, were forever to hold the property. The legislature has found successors for them, before their seats are vacant. The powers and privileges which the twelve were to exercise exclusively, are now to be exercised by others. By one of the acts, they are subjected to heavy penalties if they exercise their offices, or any of those powers and privileges granted them by charter, and which they had exercised for fifty years. They are to be punished for not accepting the new grant, and taking its benefits. This, it must be confessed, is rather a summary mode of settling a question of constitutional right. Not only are new trustees forced into the corporation, but new trusts and uses are created. The college is turned into a university. Power is given to create new colleges, and, to authorize any diversion of the funds which may be agreeable to the new boards, sufficient latitude is given by the undefined power of establishing an institute. To these new colleges, and this institute, the funds contributed by the founder, Doctor Wheelock, and by the original donors, the Earl of Dartmouth and others, are to be applied, in plain and manifest disregard of the uses to which they were given.

The president, one of the old trustees, had a right to his office, salary, and emoluments, subject to the twelve trustees alone. His title to these is now changed, and he is made accountable to new masters. So also all the professors and tu-

tors. If the legislature can at pleasure make these alterations and changes in the rights and privileges of the plaintiffs, it may, with equal propriety, abolish these rights and privileges altogether. The same power which can do any part of this work can accomplish the whole. And, indeed, the argument on which these acts have been hitherto defended goes altogether on the ground, that this is such a corporation as the legislature may abolish at pleasure; and that its members have no *rights*, *liberties*, *franchises*, *property*, or *privileges*, which the legislature may not revoke, annul, alienate, or transfer to others, whenever it sees fit.

It will be contended by the plaintiffs, that these acts are not valid and binding on them, without their assent,— 1. Because they are against common right, and the constitution of New Hampshire. 2. Because they are repugnant to the constitution of the United States.

I am aware of the limits which bound the jurisdiction of the court in this case, and that on this record nothing can be decided but the single question, whether these acts are repugnant to the constitution of the United States. Yet it may assist in forming an opinion of their true nature and character to compare them with those fundamental principles introduced into the state governments for the purpose of limiting the exercise of the legislative power, and which the constitution of New Hampshire expresses with great fullness and accuracy.

It is not too much to assert that the legislature of New Hampshire would not have been competent to pass the acts in question, and to make them binding on the plaintiffs without their assent, even if there had been, in the constitution of New Hampshire, or of the United States, no special restriction on their power, because these acts are not the exercise of a power properly legislative.* Their object and effect are to take away,

* Calder et ux. *v.* Bull, 3 Dallas, 386.

from one, rights, property, and franchises, and to grant them to another. This is not the exercise of a legislative power. To justify the taking away of vested rights there must be a forfeiture, to adjudge upon and declare which is the proper province of the judiciary. Attainder and confiscation are acts of sovereign power, not acts of legislation. The British parliament, among other unlimited powers, claims that of altering and vacating charters; not as an act of ordinary legislation, but of uncontrolled authority. It is theoretically omnipotent. Yet, in modern times, it has attempted the exercise of this power very rarely. In a celebrated instance, those who asserted this power in parliament vindicated its exercise only in a case in which it could be shown, 1st. That the charter in question was a charter of political power; 2d. That there was a great and overruling state necessity, justifying the violation of the charter; 3d. That the charter had been abused and justly forfeited.* The bill affecting this charter did not pass. Its history is well known. The act which afterwards did pass, passed *with the assent of the corporation.* Even in the worst times, this power of parliament to repeal and rescind charters has not often been exercised. The illegal proceedings in the reign of Charles the Second were under color of law. Judgments of forfeiture were obtained in the courts. Such was the case of the *quo warranto* against the city of London, and the proceedings by which the charter of Massachusetts was vacated.

The legislature of New Hampshire has no more power over the rights of the plaintiffs than existed somewhere, in some department of government, before the revolution. The British parliament could not have annulled or revoked this grant as an act of ordinary legislation. If it had done it at all, it could only have been in virtue of that sovereign power, called omnip-

* Annual Reg. 1784, p. 160; Parlia. Reg. 1783; Mr. Burke's Speech on Mr. Fox's E. I. Bill, Burke's Works, 2d Vol. pp. 414, 417, 467, 468, 486.

otent, which does not belong to any legislature in the United States. The legislature of New Hampshire has the same power over this charter which belonged to the king who granted it, and no more. By the law of England, the power to create corporations is a part of the royal prerogative.* By the revolution, this power may be considered as having devolved on the legislature of the state, and it has accordingly been exercised by the legislature. But the king cannot abolish a corporation, or new-model it, or alter its powers, without its assent. This is the acknowledged and well-known doctrine of the common law. "Whatever might have been the notion in former times," says Lord Mansfield, "it is most certain now that the corporations of the universities are lay corporations; and that the crown cannot take away from them any rights that have been formerly subsisting in them under old charters or prescriptive usage."† After forfeiture duly found, the king may regrant the franchises; but a grant of franchises already granted, and of which no forfeiture has been found, is void.

Corporate franchises can only be forfeited by trial and judgment.‡ In case of a new charter or grant to an existing corporation, it may accept or reject it as it pleases.§ It may accept such part of the grant as it chooses, and reject the rest.‖ In the very nature of things, a charter cannot be forced upon anybody. No one can be compelled to accept a grant; and without acceptance the grant is necessarily void.¶ It cannot be pretended that the legislature, as successor to the king in this part of his prerogative, has any power to revoke, vacate, or alter this charter. If, therefore, the legislature has not this power by any specific grant contained in the constitution; nor

* 1 Black. 472, 473. † 3 Burr. 1656.

‡ 3 T. R. 244. King *v.* Pasmore.

§ King *v.* Vice Chancellor of Cambridge, 3 Burr. 1656, 3 T. R. 240—Lord Kenyon.

‖ Idem, 1661, and King *v.* Pasmore, *ubi supra.*

¶ Ellis *v.* Marshall, 2 Mass. Rep. 277; 1 Kyd on Corporations, 65–6.

as included in its ordinary legislative powers; nor by reason of its succession to the prerogatives of the crown in this particular, on what ground would the authority to pass these acts rest, even if there were no prohibitory clauses in the constitution and the bill of rights?

But there *are* prohibitions in the constitution and bill of rights of New Hampshire, introduced for the purpose of limiting the legislative power and protecting the rights and property of the citizens. One prohibition is "that no person shall be deprived of his property, immunities, or privileges, put out of the protection of the law, or deprived of his life, liberty, or estate, but by judgment of his peers or the law of the land."

In the opinion, however, which was given in the court below, it is denied that the trustees under the charter had any property, immunity, liberty, or privilege in this corporation, within the meaning of this prohibition in the bill of rights. It is said that it is a public corporation and public property; that the trustees have no greater interest in it than any other individuals; that it is not private property, which they can sell or transmit to their heirs, and that therefore they have no interest in it; that their office is a public trust, like that of the governor or a judge, and that they have no more concern in the property of the college than the governor in the property of the state, or than the judges in the fines which they impose on the culprits at their bar; that it is nothing to them whether their powers shall be extended or lessened, any more than it is to their honors whether their jurisdiction shall be enlarged or diminished. It is necessary, therefore, to inquire into the true nature and character of the corporation which was created by the charter of 1769.

There are divers sorts of corporations; and it may be safely admitted that the legislature has more power over some than others.* Some corporations are for government and political

* 1 Wooddeson, 474; 1 Black. 467.

arrangement; such, for example, as cities, counties, and towns in New England. These may be changed and modified as public convenience may require, due regard being always had to the rights of property. Of such corporations, all who live within the limits are of course obliged to be members, and to submit to the duties which the law imposes on them as such. Other civil corporations are for the advancement of trade and business, such as banks, insurance companies, and the like. These are created, not by general law, but usually by grant. Their constitution is special. It is such as the legislature sees fit to give, and the grantees to accept.

The corporation in question is not a civil, although it is a lay corporation. It is an eleemosynary corporation. It is a private charity, originally founded and endowed by an individual, with a charter obtained for it at his request, for the better administration of his charity. "The eleemosynary sort of corporations are such as are constituted for the perpetual distributions of the free alms or bounty of the founder of them, to such persons as he has directed. Of this are all hospitals for the maintenance of the poor, sick, and impotent; and all colleges both in our universities and out of them."* Eleemosynary corporations are for the management of private property, according to the will of the donors. They are private corporations. A college is as much a private corporation as a hospital; especially a college founded, as this was, by private bounty. A college is a charity. "The establishment of learning," says Lord Hardwicke, "is a charity, and so considered in the statute of Elizabeth. A devise to a college, for their benefit, is a laudable charity, and deserves encouragement."†

The legal signification of *a charity* is derived chiefly from the statute 43 Eliz. ch. 4. "Those purposes," says Sir William Grant, "are considered *charitable* which that statute enumerates."‡ Colleges are enumerated as charities in that stat-

*1 Black. 471. †1 Ves. 537. ‡9 Ves. Jun. 405.

ute. The government, in these cases, lends its aid to perpetuate the beneficent intention of the donor, by granting a charter under which his private charity shall continue to be dispensed after his death. This is done either by incorporating the objects of the charity, as, for instance, the scholars in a college or the poor in a hospital, or by incorporating those who are to be governors or trustees of the charity.* In cases of the first sort, the founder is, by the common law, visitor. In early times it became a maxim, that he who gave the property might regulate it in future. *Cujus est dare, ejus est disponere.* This right of visitation descended from the founder to his heir as a right of property, and precisely as his other property went to his heir; and in default of heirs it went to the king, as all other property goes to the king for the want of heirs. The right of visitation arises from the property. It grows out of the endowment. The founder may, if he please, part with it at the time when he establishes the charity, and may vest it in others. Therefore, if he chooses that governors, trustees, or overseers should be appointed in the charter, he may cause it to be done, and his power of visitation will be transferred to them, instead of descending to his heirs. The persons thus assigned or appointed by the founder will be visitors, with all the powers of the founder, in exclusion of his heir.† The right of visitation, then, accrues to them, as a matter of property, by the gift, transfer, or appointment of the founder. This is a private right, which they can assert in all legal modes, and in which they have the same protection of the law as in all other rights. As visitors they may make rules, ordinances, and statutes, and alter and repeal them, as far as permitted so to do by the charter.‡ Although the charter proceeds from the crown or the government, it is considered as the will of the donor. It is obtained at his request. He imposes it as the rule which is to prevail in the dispensation of his bounty in all future times. The king

*1 Wood. 474. †1 Black. 471. ‡2 Term Rep. 350-1.

or government which grants the charter is not thereby the founder, but he who furnishes the funds. The gift of the revenues is the foundation.* The leading case on this subject is Phillips *v.* Bury.† This was an ejectment brought to recover the rectory-house, &c. of Exeter College in Oxford. The question was, whether the plaintiff or defendant was legal rector. Exeter College was founded by an individual, and incorporated by a charter granted by Queen Elizabeth. The controversy turned upon the power of the visitor, and in the discussion of the cause, the nature of college charters and corporations was very fully considered. Lord Holt's judgment, copied from his own manuscript, is in 2 Term Rep., 346. The following is an extract:

"That we may the better apprehend the nature of a visitor, we are to consider that there are in law two sorts of corporations aggregate; such as are for public government, and such as are for private charity. Those that are for the public government of a town, city, mystery, or the like, being for public advantage, are to be governed according to the laws of the land. If they make any particular private laws and constitutions, the validity and justice of them is examinable in the king's courts. Of these there are no particular private founders, and consequently no particular visitor; there are no patrons of these; therefore, if no provision be in the charter how the succession shall continue, the law supplieth the defect of that constitution, and saith it shall be by election; as mayor, alderman, common council, and the like. But *private* and particular corporations for charity, founded and endowed by private persons, are subject to the private government of those who erect them; and therefore, if there be no visitor appointed by the founder, the law appoints the founder and his heirs to be visitors, who are to act and proceed according to the particular laws and constitutions assigned them by the founder. It is now admitted on all hands that the founder is patron, and, as founder, is visitor, if no particular visitor be assigned; so that patronage and visitation are

* 1 Black, 480.

† Reported in 1 Lord Raymond, 5; Comb. 265; Holt, 715; 1 Show. 360; 4 Mod. 106; Skinn. 447.

necessary consequents one upon another. For this visitatorial power was not introduced by any canons or constitutions ecclesiastical (as was said by a learned gentleman whom I have in my eye, in his argument of this case): it is an appointment of law. It ariseth from the property which the founder had in the lands assigned to support the charity; and as he is the author of the charity, the law gives him and his heirs a visitatorial power, that is, an authority to inspect the actions and regulate the behavior of the members that partake of the charity. For it is fit the members that are endowed, and that have the charity bestowed upon them, should not be left to themselves, but pursue the intent and design of him that bestowed it upon them. *Now indeed, where the poor, or those that receive the charity, are not incorporated, but there are certain trustees who dispose of the charity, there is no visitor, because the interest of the revenue is not vested in the poor that have the benefit of the charity, but they are subject to the orders and directions of the trustees.* But where they who are to enjoy the benefit of the charity are incorporated, there to prevent all perverting of the charity, or to compose differences that may happen among them, there is by law a visitatorial power; and it being a creature of the founder's own, it is reason that he and his heirs should have that power, unless by the founder it is vested in some other. Now there is no manner of difference between a college and a hospital, except only in degree. A hospital is for those that are poor, and mean, and low, and sickly; a college is for another sort of indigent persons; but it hath another intent, to study in and breed up persons in the world that have no otherwise to live; but still it is as much within the reasons as hospitals. And if in a hospital the master and poor are incorporated, it is a college having a common seal to act by, although it hath not the name of a college (which always supposeth a corporation,) because it is of an inferior degree; and in the one case and in the other there must be a visitor, either the founder and his heirs or one appointed by him; and both are eleemosynary."

Lord Holt concludes his whole argument by again repeating, that that college was a *private corporation*, and that the founder had a right to appoint a visitor, and to give him such power as he saw fit.*

* 1 Lord Ray. 9.

The learned Bishop Stillingfleet's argument in the same cause, as a member of the house of lords, when it was there heard, exhibits very clearly the nature of colleges and similar corporations. It is to the following effect. "That this absolute and conclusive power of visitors is no more than the law hath appointed in other cases, upon commissions of charitable uses: that the common law, and not any ecclesiastical canons, do place the power of visitation in the founder and his heirs, *unless he settle it upon others:* that although corporations for public government be subject to the courts of Westminster Hall, which have no particular or special visitors, yet corporations for charity, founded and endowed by private persons, are subject to the rule and government of those that erect them; but where the persons to whom the charity is given are not incorporated, there is no such visitatorial power, because the interest of the revenue is not invested in them; but where they are, the right of visitation ariseth from the foundation, and the founder may convey *it to whom and in what manner he pleases; and the visitor acts as founder, and by the same authority which he had, and consequently is no more accountable than he had been:* that the king by his charter can make a society to be incorporated so as to have the rights belonging to persons, as to legal capacities: that colleges, although founded by private persons, are yet incorporated by the king's charter; but although the kings by their charter made the colleges to be such in law, that is, to be legal corporations, yet they left to the particular founders authority to appoint what statutes they thought fit for the regulation of them. And not only the statutes, but the appointment of visitors, was left to them, and the manner of government, and the several conditions on which any persons were to be made or continue partakers of their bounty."*

These opinions received the sanction of the house of lords,

* See Appendix, No. 3—1 Burn's Eccles. Law, 443.

and they seem to be settled and undoubted law. Where there is a charter, vesting proper powers in trustees, or governors, they are visitors; and there is no control in anybody else; except only that the courts of equity or of law will interfere so far as to preserve the revenues and prevent the perversion of the funds, and to keep the visitors within their prescribed bounds. "If there be a charter with proper powers, the charity must be regulated in the manner prescribed by the charter. There is no ground for the controlling interposition of the courts of chancery. The interposition of the courts, therefore, in those instances in which the charities were founded on charters or by act of parliament, and a visitor or governor and trustees appointed, must be referred to the general jurisdiction of the courts in all cases in which a trust conferred appears to have been abused, and not to an original right to direct the management of the charity, or the conduct of the governors or trustees."* "The original of all *visitatorial* power is the property of the donor, and the power every one has to dispose, direct, and regulate his own property; like the case of patronage; *cujus est dare*, &c. Therefore, if either the crown or the subject creates an eleemosynary foundation, and vests the charity in the persons who are to receive the benefit of it, since a contest might arise about the government of it, the law allows the founder or his heirs, or the person specially appointed by him to be visitor, to determine concerning his own creature. If the charity is not vested in the persons who are to partake, but in trustees for their benefit, no visitor can arise by implication, but the trustees have that power."†

"There is nothing better established," says Lord Commissioner Eyre, "than that this court does not entertain a general jurisdiction, or regulate and control charities *established by charter*. There the establishment is fixed and determined;

* 2 Fonb. 205–6.

† 1 Ves. 472, Green v. Rutherforth, per Lord Hardwicke.

and the court has no power to vary it. If the governors established for the regulation of it are not those who have the management of the revenue, this court has no jurisdiction, and if it is ever so much abused, as far as it respects the jurisdiction of this court it is without remedy; but if those established as governors have also the management of the revenues, this court does assume a jurisdiction of necessity, so far as they are to be considered as trustees of the revenue."*

"The foundations of colleges," says Lord Mansfield, "are to be considered in two views; namely, as they are *corporations* and as they are *eleemosynary*. As eleemosynary, they are the creatures of the founder; he may delegate his power, either generally or specially; he may prescribe particular modes and manners, as to the exercise of part of it. If he makes a general visitor (as by the general words *visitator sit*,) the person so constituted has all incidental power; but he may be restrained as to particular instances. The founder may appoint a special visitor for a particular purpose, and no further. The founder may make a general visitor; and yet appoint an inferior particular power, to be executed without going to the visitor in the first instance."† And even if the king be founder, if he grant a charter, incorporating trustees and governors, *they are visitors*, and the king cannot visit.‡ A subsequent donation, or ingrafted fellowship, falls under the same general visitatorial power, if not otherwise specially provided.§

In New England, and perhaps throughout the United States, eleemosynary corporations have been generally established in the latter mode; that is, by incorporating governors, or trustees, and vesting in them the right of visitation. Small variations may have been in some instances adopted; as in the case

* Attorney General *v.* Foundling Hospital, 2 Ves. Jun. 47. Vide also 2 Kyd on Corporations, 195; Cooper's Equity Pleading, 292.

† St. John's College, Cambridge, *v.* Todington, 1 Burr. 200.

‡ Attorney General *v.* Middleton, 2 Ves. 328.

§ Green *v.* Rutherforth, *ubi supra*; St. John's College, *v.* Todington, *ubi supra*.

of Harvard College, where some power of inspection is given to the overseers, but not, strictly speaking, a visitatorial power, which still belongs, it is apprehended, to the fellows or members of the corporation. In general, there are many donors. A charter is obtained, comprising them all, or some of them, and such others as they choose to include, with the right of appointing their successors. They are thus the visitors of their own charity, and appoint others, such as they may see fit, to exercise the same office in time to come. All such corporations are private. The case before the court is clearly that of an eleemosynary corporation. It is, in the strictest legal sense, a private charity. In King *v.* St. Catharine's Hall,* that college is called a private eleemosynary lay corporation. It was endowed by a private founder, and incorporated by letters patent. And in the same manner was Dartmouth College founded and incorporated. Doctor Wheelock is declared by the charter to be its founder. It was established by him, on funds contributed and collected by himself.

As such founder, he had a right of visitation, which he assigned to the trustees, and they received it by his consent and appointment, and held it under the charter.† He appointed these trustees visitors, and in that respect to take place of his heir; as he might have appointed devisees, to take his estate instead of his heir. Little, probably, did he think at that time, that the legislature would ever take away this property and these privileges, and give them to others. Little did he suppose that this charter secured to him and his successors no legal rights. Little did the other donors think so. If they had, the college would have been, what the university is now, a thing upon paper, existing only in name.

The numerous academies in New England have been established substantially in the same manner. They hold their property by the same tenure, and no other. Nor has Harvard

* 4 Term. Rep. 233. † Black. *ubi supra.*

College any surer title than Dartmouth College. It may to-day have more friends; but to-morrow it may have more enemies. Its legal rights are the same. So also of Yale College; and, indeed, of all the others. When the legislature gives to these institutions, it may and does accompany its grants with such conditions as it pleases. The grant of lands by the legislature of New Hampshire to Dartmouth College, in 1789, was accompanied with various conditions. When donations are made, by the legislature or others, to a charity already existing, without any condition, or the specification of any new use, the donation follows the nature of the charity. Hence the doctrine, that all eleemosynary corporations are private bodies. They are founded by private persons, and on private property. The public cannot be charitable in these institutions. It is not the money of the public, but of private persons, which is dispensed. It may be public, that is general, in its uses and advantages; and the state may very laudably add contributions of its own to the funds; but it is still private in the tenure of the property, and in the right of administering the funds.

If the doctrine laid down by Lord Holt, and the house of lords, in Phillips *v.* Bury, and recognized and established in all the other cases, be correct, the property of this college was private property; it was vested in the trustees by the charter, and to be administered by them, according to the will of the founder and donors, as expressed in the charter. They were also visitors of the charity, in the most ample sense. They had, therefore, as they contend, privileges, property, and immunities, within the true meaning of the bill of rights. They had rights, and still have them, which they can assert against the legislature, as well as against other wrong-doers. It makes no difference, that the estate is holden for certain trusts. The legal estate is still theirs. They have a right in the property, and they have a right of visiting and superintending the trust; and this is an object of legal protection, as much as any other right.

The charter declares that the powers conferred on the trustees are "privileges, advantages, liberties, and immunities;" and that they shall be forever holden by them and their successors. The New Hampshire bill of rights declares that no one shall be deprived of his "property, privileges, or immunities," but by judgment of his peers, or the law of the land. The argument on the other side is, that, although these terms may mean something in the bill of rights, they mean nothing in this charter. But they are terms of legal signification, and very properly used in the charter. They are equivalent with *franchises*. Blackstone says that *franchise* and *liberty* are used as synonymous terms. And after enumerating other liberties and franchises, he says: "It is likewise a franchise for a number of persons to be incorporated and subsist as a body politic, with a power to maintain perpetual succession and do other corporate acts; and each individual member of such a corporation is also said to have a franchise or freedom."*

Liberties is the term used in Magna Charta as including franchises, privileges, immunities, and all the rights which belong to that class. Professor Sullivan says, the term signifies the "*privileges* that some of the subjects, whether single persons or bodies corporate, have above others by the lawful grant of the king; as the chattels of felons or outlaws, and the lands *and privileges of corporations*."†

The privilege, then, of being a member of a corporation, under a lawful grant, and of exercising the rights and powers of such member, is such a privilege, *liberty*, or *franchise*, as has been the object of legal protection, and the subject of a legal interest, from the time of Magna Charta to the present moment. The plaintiffs have such an interest in this corporation, individually, as they could assert and maintain in a court of law, not as agents of the public, but in their own right. Each trustee has a *franchise*, and if he be disturbed in the en-

* 2 Black. Com. 37. † Sull. 41st Lect.

joyment of it, he would have redress, on appealing to the law, as promptly as for any other injury. If the other trustees should conspire against any one of them to prevent his equal right and voice in the appointment of a president or professor, or in the passing of any statute or ordinance of the college, he would be entitled to his action, for depriving him of his franchise. It makes no difference, that this property is to be holden and administered, and these franchises exercised, for the purpose of diffusing learning. No principle and no case establishes any such distinction. The public may be benefited by the use of this property. But this does not change the nature of the property, or the rights of the owners. The object of the charter may be public good; so it is in all other corporations; and this would as well justify the resumption or violation of the grant in any other case as in this. In the case of an advowson, the use is public, and the right cannot be turned to any private benefit or emolument. It is nevertheless a legal private right, and the *property* of the owner, as emphatically as his freehold. The rights and privileges of trustees, visitors, or governors of incorporated colleges, stand on the same foundation. They are so considered, both by Lord Holt and Lord Hardwicke.*

To contend that the rights of the plaintiffs may be taken away, because they derive from them no pecuniary benefit or private emolument, or because they cannot be transmitted to their heirs, or would not be assets to pay their debts, is taking an extremely narrow view of the subject. According to this notion, the case would be different, if, in the charter, they had stipulated for a commission on the disbursement of the funds; and they have ceased to have any interest in the property, because they have undertaken to administer it gratuitously.

It cannot be necessary to say much in refutation of the idea, that there cannot be a legal interest, or ownership, in anything

* Phillips *v.* Bury. — Green *v.* Rutherforth, *ubi supra.* Vide also 2 Black. 21.

which does not yield a pecuniary profit; as if the law regarded no rights but the rights of money, and of visible, tangible property. Of what nature are all rights of suffrage? No elector has a particular personal interest; but each has a legal right, to be exercised at his own discretion, and it cannot be taken away from him. The exercise of this right directly and very materially affects the public; much more so than the exercise of the privileges of a trustee of this college. Consequences of the utmost magnitude may sometimes depend on the exercise of the right of suffrage by one or a few electors. Nobody was ever yet heard to contend, however, that on that account the public might take away the right, or impair it. This notion appears to be borrowed from no better source than the repudiated doctrine of the three judges in the Aylesbury case.* That was an action against a returning officer for refusing the plaintiff's vote, in the election of a member of parliament. Three of the judges of the king's bench held, that the action could not be maintained, because, among other objections, "it was not any matter of profit, either *in presenti*, or *in futuro*." It would not enrich the plaintiff *in presenti*, nor would it *in futuro* go to his heirs, or answer to pay his debts. But Lord Holt and the house of lords were of another opinion. The judgment of the three judges was reversed, and the doctrine they held, having been exploded for a century, seems now for the first time to be revived.

Individuals have a right to use their own property for purposes of benevolence, either towards the public, or towards other individuals. They have a right to exercise this benevolence in such lawful manner as they may choose; and when the government has induced and excited it, by contracting to give perpetuity to the stipulated manner of exercising it, to rescind this contract, and seize on the property, is not law, but violence. Whether the state will grant these franchises, and

* Ashby *v.* White, 2 Lord Raym. 938.

under what conditions it will grant them, it decides for itself. But when once granted, the constitution holds them to be sacred, till forfeited for just cause.

That all property, of which the use may be beneficial to the public, belongs therefore to the public, is quite a new doctrine. It has no precedent, and is supported by no known principle. Doctor Wheelock might have answered his purposes, in this case, by executing a private deed of trust. He might have conveyed his property to trustees, for precisely such uses as are described in this charter. Indeed, it appears that he had contemplated the establishing of his school in that manner, and had made his will, and devised the property to the same persons who were afterwards appointed trustees in the charter. Many literary and other charitable institutions are founded in that manner, and the trust is renewed, and conferred on other persons, from time to time, as occasion may require. In such a case, no lawyer would or could say, that the legislature might divest the trustees, constituted by deed or will, seize upon the property, and give it to other persons, for other purposes. And does the granting of a charter, which is only done to perpetuate the trust in a more convenient manner, make any difference? Does or can this change the nature of the charity, and turn it into a public political corporation? Happily, we are not without authority on this point. It has been considered and adjudged. Lord Hardwicke says, in so many words, "The charter of the crown cannot make a charity more or less public, but only more permanent than it would otherwise be."*

The granting of the corporation is but making the trust perpetual, and does not alter the nature of the charity. The very object sought in obtaining such charter, and in giving property to such a corporation, is to make and keep it private property and to clothe it with all the security and inviolability of private property. The intent is, that there shall be a legal private

* 2 Atk. 87, Attorney General *v.* Pearce.

ownership, and that the legal owners shall maintain and protect the property, for the benefit of those for whose use it was designed. Who ever endowed the public? Who ever appointed a legislature to administer his charity? Or who ever heard, before, that a gift to a college, or hospital, or an asylum, was, in reality, nothing but a gift to the state?

The state of Vermont is a principal donor to Dartmouth College. The lands given lie in that state. This appears in the special verdict. Is Vermont to be considered as having intended a gift to the state of New Hampshire in this case, as, it has been said, is to be the reasonable construction of all donations to the college? The legislature of New Hampshire affects to represent the public, and therefore claims a right to control all property destined to public use. What hinders Vermont from considering herself equally the representative of the public, and from resuming her grants, at her own pleasure? Her right to do so is less doubtful than the power of New Hampshire to pass the laws in question.

In University *v.* Foy,* the supreme court of North Carolina pronounced unconstitutional and void a law repealing a grant to the University of North Carolina, although that university was originally erected and endowed by a statute of the state. That case was a grant of lands, and the court decided that it could not be resumed. This is the grant of a power and capacity to hold lands. Where is the difference of the cases, upon principle?

In Terrett *v.* Taylor,† this court decided that a legislative grant or confirmation of lands, for the purposes of moral and religious instruction, could no more be rescinded than other grants. The nature of the use was not holden to make any difference. A grant to a parish or church, for the purposes which have been mentioned, cannot be distinguished, in respect to the title it confers, from a grant to a college for the promo-

* 2 Haywood's Rep. † 9 Cranch, 43.

tion of piety and learning. To the same purpose may be cited the case of Pawlett *v.* Clark. The state of Vermont, by statute, in 1794, granted to the respective towns in that state certain glebe lands lying within those towns for the sole use and support of religious worship. In 1799, an act was passed to repeal the act of 1794; but this court declared, that the act of 1794, "so far as it granted the glebes to the towns, could not afterwards be repealed by the legislature, so as to divest the rights of the towns under the grant."*

It will be for the other side to show that the nature of the use decides the question whether the legislature has power to resume its grants. It will be for those who maintain such a doctrine to show the principles and cases upon which it rests. It will be for them also to fix the limits and boundaries of their doctrine, and to show what are and what are not such uses as to give the legislature this power of resumption and revocation. And to furnish an answer to the cases cited, it will be for them further to show that a grant for the use and support of religious worship stands on other ground than a grant for the promotion of piety and learning.

I hope enough has been said to show that the trustees possessed vested liberties, privileges, and immunities, under this charter; and that such liberties, privileges, and immunities, being once lawfully obtained and vested, are as inviolable as any vested rights of property whatever. Rights to do certain acts, such, for instance, as the visitation and superintendence of a college and the appointment of its officers, may surely be vested rights, to all legal intents, as completely as the right to possess property. A late learned judge of this court has said, "When I say that a *right* is vested in a citizen, I mean that he has the power to do *certain actions*, or to possess *certain things*, according to the law of the land."†

If such be the true nature of the plaintiffs' interests under

* 9 Cranch, 292. † 8 Dall. 394.

this charter, what are the articles in the New Hampshire bill of rights which these acts infringe?

They infringe the second article; which says, that the citizens of the state have a right to hold and possess property. The plaintiffs had a legal property in this charter; and they had acquired property under it. The acts deprive them of both. They impair and take away the charter; and they appropriate the property to new uses, against their consent. The plaintiffs cannot now hold the property acquired by themselves, and which this article says they have a right to hold.

They infringe the twentieth article. By that article it is declared that, in questions of property, there is a right to trial. The plaintiffs are divested, without trial or judgment.

They infringe the twenty-third article. It is therein declared that no retrospective laws shall be passed. This article bears directly on the case. These acts must be deemed to be retrospective, within the settled construction of that term. What a retrospective law is, has been decided, on the construction of this very article, in the circuit court for the first circuit. The learned judge of that circuit says: "Every statute which takes away or impairs vested rights, acquired under existing laws, must be deemed retrospective."* That all such laws are retrospective was decided also in the case of Dash *v.* Van Kleek,† where a most learned judge quotes this article from the constitution of New Hampshire, with manifest approbation, as a plain and clear expression of those fundamental and unalterable principles of justice, which must lie at the foundation of every free and just system of laws. Can any man deny that the plaintiffs had rights, under the charter, which were legally vested, and that by these acts those rights are impaired?

"It is a principle in the English law," says Chief Justice Kent, in the case last cited, "as ancient as the law itself, that a statute, even of its omnipotent parliament, is not to have a retro-

* 2 Gal. 108, Society *v.* Wheeler. † 7 Johnson's Rep. 477.

spective effect. *Nova constitutio futuris formam imponere debet, et non præteritis.**

The maxim in Bracton was probably taken from the civil law, for we find in that system the same principle, that the lawgiver cannot alter his mind to the prejudice of a vested right. *Nemo potest mutare concilium suum in alterius injuriam.*† This maxim of Papinian is general in its terms, but Doctor Taylor‡ applies it directly as a restriction upon the lawgiver, and a declaration in the code leaves no doubt as to the sense of the civil law. *Leges et constitutiones futuris certum est dare formam negotiis, non ad facta præterita revocari, nisi nominatim, et de præterito tempore, et adhuc pendentibus negotiis cautum sit.*§ This passage, according to the best interpretation of the civilians, relates not merely to future suits, but to future, as contradistinguished from past, contracts and vested rights.‖ It is indeed admitted that the prince may enact a retrospective law, provided it be done *expressly ;* for the will of the prince under the despotism of the Roman emperors was paramount to every obligation. Great latitude was anciently allowed to legislative expositions of statutes; for the separation of the judicial from the legislative power was not then distinctly known or prescribed. The prince was in the habit of interpreting his own laws for particular occasions. This was called the *Interlocutio Principis ;* and this, according to Huber's definition, was *quando principes inter partes loquuntur et jus dicunt.*¶ No correct civilian, and especially no proud admirer of the ancient republic (if any such then existed,) could have reflected on this interference with private rights and pending suits without disgust and indignation; and we are rather surprised to find that, under the violent and absolute genius of the Roman government, the principle before us

* Bracton, Lib. 4, fol. 228. 2d Inst. 292.
† Dig. 50. 17. 75.
‡ Elements of the Civil Law, 168.
§ Cod. 1. 14. 7.
‖ Perezii Prælect. h. t.
¶ Prælect. Juris Civ., Vol. II, 545.

should have been acknowledged and obeyed to the extent in which we find it. The fact shows that it must be founded in the clearest justice. Our case is happily very different from that of the subjects of Justinian. With us the power of the lawgiver is limited and defined; the judicial is regarded as a distinct, independent power; private rights have been better understood and more exalted in public estimation, as well as secured by provisions dictated by the spirit of freedom, and unknown to the civil law. Our constitutions do not admit the power assumed by the Roman prince, and the principle we are considering is now to be regarded as sacred."

These acts infringe also the thirty-seventh article of the constitution of New Hampshire; which says, that the powers of government shall be kept separate. By these acts, the legislature assumes to exercise a judicial power. It declares a forfeiture, and resumes franchises, once granted, without trial or hearing.

If the constitution be not altogether waste-paper, it has restrained the power of the legislature in these particulars. If it has any meaning, it is that the legislature shall pass no act directly and manifestly impairing private property and private privileges. It shall not judge by act. It shall not decide by act. It shall not deprive by act. But it shall leave all these things to be tried and adjudged by the law of the land.

The fifteenth article has been referred to before. It declares that no one shall be "deprived of his property, immunities, or privileges, but by the judgment of his peers or the law of the land." Notwithstanding the light in which the learned judges in New Hampshire viewed the rights of the plaintiffs under the charter, and which has been before adverted to, it is found to be admitted in their opinion, that those rights are privileges within the meaning of this fifteenth article of the bill of rights. Having quoted that article, they say: "That the right to manage the affairs of this college is a privilege, within the

meaning of this clause of the bill of rights, is not to be doubted." In my humble opinion, this surrenders the point. To resist the effect of this admission, however, the learned judges add: "But how a privilege can be protected from the operation of the law of the land by a clause in the constitution, declaring that it shall not be taken away but by the law of the land, is not very easily understood." This answer goes on the ground, that the acts in question are laws of the land, within the meaning of the constitution. If they be so, the argument drawn from this article is fully answered. If they be not so, it being admitted that the plaintiffs' rights are "privileges," within the meaning of the article, the argument is not answered, and the article is infringed by the acts. Are, then, these acts of the legislature, which affect only particular persons and their particular privileges, laws of the land?

Let this question be answered by the text of Blackstone. "And first it (i. e. law) is a *rule:* not a transient, sudden order from a superior to or concerning a particular person; but something permanent, uniform, and universal. Therefore a particular act of the legislature to confiscate the goods of Titius, or to attaint him of high treason, does not enter into the idea of a municipal law; for the operation of this act is spent upon Titius only, and has no relation to the community in general; it is rather a sentence than a law."* Lord Coke is equally decisive and emphatic. Citing and commenting on the celebrated twenty-ninth chapter of Magna Charta, he says: "No man shall be disseized, &c., unless it be by the lawful judgment, that is, verdict of equals, or by the law of the land, that is (to speak it once for all,) by the due course and process of law."† Have the plaintiffs lost their franchises by "due course and process of law?" On the contrary, are not these acts "particular acts of the legislature, which have no relation to the community in general, and which are rather sentences than laws?"

*1 Black. Com. 44. † Coke, 2 In. 46.

By the law of the land is most clearly intended the general law; a law which hears before it condemns; which proceeds upon inquiry, and renders judgment only after trial. The meaning is, that every citizen shall hold his life, liberty, property, and immunities under the protection of the general rules which govern society. Everything which may pass under the form of an enactment is not therefore to be considered the law of the land. If this were so, acts of attainder, bills of pains and penalties, acts of confiscation, acts reversing judgments, and acts directly transferring one man's estate to another, legislative judgments, decrees, and forfeitures in all possible forms, would be the law of the land.

Such a strange construction would render constitutional provisions of the highest importance completely inoperative and void. It would tend directly to establish the union of all powers in the legislature. There would be no general, permanent law for courts to administer or for men to live under. The administration of justice would be an empty form, an idle ceremony. Judges would sit to execute legislative judgments and decrees; not to declare the law or to administer the justice of the country. "Is that the law of the land," said Mr. Burke, "upon which, if a man go to Westminster Hall, and ask counsel by what title or tenure he holds his privilege or estate *according to the law of the land*, he should be told, that the law of the land is not yet known; that no decision or decree has been made in his case; that when a decree shall be passed, he will then know *what the law of the land is?* Will this be said to be the law of the land, by any lawyer who has a rag of a gown left upon his back, or a wig with one tie upon his head?"

That the power of electing and appointing the officers of this college is not only a right of the trustees as a corporation, generally, and in the aggregate, but that each individual trustee has also his own individual franchise in such right of election and

appointment, is according to the language of all the authorities. Lord Holt says: "It is agreeable to reason and the rules of law, that a franchise should be vested in the corporation aggregate, and yet the benefit of it to redound to the particular members, and to be enjoyed by them in their private capacity. Where the privilege of election is used by particular persons, *it is a particular right, vested in every particular man.*"*

It is also to be considered, that the president and professors of this college have rights to be affected by these acts. Their interest is similar to that of fellows in the English colleges; because they derive their living, wholly or in part, from the founder's bounty. The president is one of the trustees or corporators. The professors are not necessarily members of the corporation; but they are appointed by the trustees, are removable only by them, and have fixed salaries payable out of the general funds of the college. Both president and professors have freeholds in their offices; subject only to be removed by the trustees, as their legal visitors, for good cause. All the authorities speak of fellowships in colleges as freeholds, notwithstanding the fellows may be liable to be suspended or removed, for misbehavior, by their constituted visitors.

Nothing could have been less expected, in this age, than that there should have been an attempt, by acts of the legislature, to take away these college livings, the inadequate but the only support of literary men who have devoted their lives to the instruction of youth. The president and professors were appointed by the twelve trustees. They were accountable to nobody else, and could be removed by nobody else. They accepted their offices on this tenure. Yet the legislature has appointed other persons, with power to remove these officers and to deprive them of their livings; and those other persons have exercised that power. No description of private property has been regarded as more sacred than college livings. They are

*2 Lord Ray. 952.

the estates and freeholds of a most deserving class of men; of scholars who have consented to forego the advantages of professional and public employments, and to devote themselves to science and literature and the instruction of youth in the quiet retreats of academic life. Whether to dispossess and oust them; to deprive them of their office, and to turn them out of their livings; to do this, not by the power of their legal visitors or governors, but by acts of the legislature, and to do it without forfeiture and without fault; whether all this be not in the highest degree an indefensible and arbitrary proceeding, is a question of which there would seem to be but one side fit for a lawyer or a scholar to espouse.

Of all the attempts of James II. to overturn the law, and the rights of his subjects, none was esteeemed more arbitrary or tyrannical than his attack on Magdalen College, Oxford; and yet that attempt was nothing but to put out one president and put in another. The president of that college, according to the charter and statutes, is to be chosen by the fellows, who are the corporators. There being a vacancy, the king chose to take the appointment out of the hands of the fellows, the legal electors of a president, into his own hands. He therefore sent down his mandate, commanding the fellows to admit for president a person of his nomination; and, inasmuch as this was directly against the charter and constitution of the college, he was pleased to add a *non obstante* clause of sufficiently comprehensive import. The fellows were commanded to admit the person mentioned in the mandate, "any statute, custom, or constitution to the contrary notwithstanding, wherewith we are graciously pleased to dispense in this behalf." The fellows refused obedience to this mandate, and Doctor Hough, a man of independence and character, was chosen president by the fellows, according to the charter and statutes. The king then assumed the power, in virtue of his prerogative, to send down certain commissioners to turn him out; which

was done accordingly; and Parker, a creature suited to the times, put in his place. And because the president, who was rightfully and legally elected, *would not deliver the keys, the doors were broken open.* "The nation as well as the university," says Bishop Burnet,* "looked on all these proceedings with just indignation. It was thought an open piece of robbery and burglary when men, authorized by no legal commission, came and forcibly turned men out of their possession and freehold." Mr. Hume, although a man of different temper, and of other sentiments, in some respects, than Doctor Burnet, speaks of this arbitrary attempt of prerogative in terms not less decisive. "The president, and all the fellows," says he, "except two, who complied, were expelled the college, and Parker was put in possession of the office. This act of violence, of all those which were committed during the reign of James, is perhaps the most illegal and arbitrary. When the dispensing power was the most strenuously insisted on by court lawyers, it had still been allowed that the statutes which regard private property could not legally be infringed by that prerogative. Yet, in this instance, it appeared that even these were not now secure from invasion. The privileges of a college are attacked; men are illegally dispossessed of their property for adhering to their duty, to their oaths, and to their religion."

This measure King James lived to repent, after repentance was too late. When the charter of London was restored, and other measures of violence retracted, to avert the impending revolution, the expelled president and fellows of Magdalen College were permitted to resume their rights. It is evident that this was regarded as an arbitrary interference with private property. Yet private property was no otherwise attacked than as a person was appointed to administer and enjoy the revenues of a college in a manner and by persons not authorized by the constitution of the college. A majority of the

* Hist. of his own Times, Vol. 3, p. 119.

members of the corporation would not comply with the king's wishes. A minority would. The object was therefore to make this minority a majority. To this end the king's commissioners were directed to interfere in the case, and they united with the two complying fellows, and expelled the rest; and thus effected a change in the government of the college. The language in which Mr. Hume and all other writers speak of this abortive attempt of oppression, shows that colleges were esteemed to be, as they truly are, private corporations, and the property and privileges which belong to them *private* property and *private* privileges. Court lawyers were found to justify the king in dispensing with the laws; that is, in assuming and exercising a legislative authority. But no lawyer, not even a court lawyer, in the reign of King James the Second, as far as appears, was found to say that, even by his high authority, he could infringe the franchises of the fellows of a college, and take away their livings. Mr. Hume gives the reason; it is, that such franchises were regarded, in a most emphatic sense, *as private property.**

If it could be made to appear that the trustees and the president and professors held their offices and franchises during the pleasure of the legislature, and that the property holden belonged to the state, then indeed the legislature have done no more than they have a right to do. But this is not so. The charter is a charter of privileges and immunities; and these are holden by the trustees expressly against the state forever.

It is admitted that the state, by its courts of law, can enforce the will of the donor, and compel a faithful execution of the trust. The plaintiffs claim no exemption from legal responsibility. They hold themselves at all times answerable to the law of the land, for their conduct in the trust committed to them. They ask only to hold the property of which they are owners, and the franchises which belong to them, until they

* Vide a full account of this case in State Trials, 4th edition, Vol 4, page 262.

shall be found, by due course and process of law, to have forfeited them.

It can make no difference whether the legislature exercise the power it has assumed by removing the trustees and the president and professors, directly and by name, or by appointing others to expel them. The principle is the same, and in point of fact the result has been the same. If the entire franchise cannot be taken away, neither can it be essentially impaired. If the trustees are legal owners of the property, they are sole owners. If they are visitors, they are sole visitors. No one will be found to say, that, if the legislature may do what it has done, it may not do anything and everything which it may choose to do, relative to the property of the corporation, and the privileges of its members and officers.

If the view which has been taken of this question be at all correct, this was an eleemosynary corporation, a private charity. The property was private property. The trustees were visitors, and the right to hold the charter, administer the funds, and visit and govern the college, was a franchise and privilege, solemnly granted to them. The use being public in no way diminishes their legal estate in the property, or their title to the franchise. There is no principle, nor any case, which declares that a gift to such a corporation is a gift to the public. The acts in question violate property. They take away privileges, immunities, and franchises. They deny to the trustees the protection of the law; and they are retrospective in their operation. In all which respects they are against the constitution of New Hampshire.

The plaintiffs contend, in the second place, that the acts in question are repugnant to the tenth section of the first article of the constitution of the United States. The material words of that section are: "No state shall pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts."

The object of these most important provisions in the national constitution has often been discussed, both here and elsewhere. It is exhibited with great clearness and force by one of the distinguished persons who framed that instrument: "Bills of attainder, *ex post facto* laws, and laws impairing the obligation of contracts, are contrary to the first principles of the social compact, and to every principle of sound legislation. The two former are expressly prohibited by the declarations prefixed to some of the state constitutions, and all of them are prohibited by the spirit and scope of these fundamental charters. Our own experience has taught us, nevertheless, that additional fences against these dangers ought not to be omitted. Very properly, therefore, have the convention added this constitutional bulwark, in favor of personal security and private rights; and I am much deceived, if they have not, in so doing, as faithfully consulted the genuine sentiments as the undoubted interests of their constituents. The sober people of America are weary of the fluctuating policy which has directed the public councils. They have seen with regret, and with indignation, that sudden changes, and legislative interferences in cases affecting personal rights, become jobs in the hands of enterprising and influential speculators, and snares to the more industrious and less informed part of the community. They have seen, too, that one legislative interference is but the link of a long chain of repetitions; every subsequent interference being naturally produced by the effects of the preceding."*

It has already been decided in this court, that a *grant* is a contract, within the meaning of this provision; and that a grant by a state is also a contract, as much as the grant of an individual. In Fletcher *v.* Peck,† this court says: "A contract is a compact between two or more parties, and is either executory or executed. An executory contract is one in which a party binds himself to do, or not to do, a particular

* 44th No. of the Federalist, by Mr. Madison. † 6 Cranch, 87.

thing; such was the law under which the conveyance was made by the government. A contract executed is one in which the object of contract is performed; and this, says Blackstone, differs in nothing from a grant. The contract between Georgia and the purchasers was executed by the grant. A contract executed, as well as one which is executory, contains obligations binding on the parties. A grant, in its own nature, amounts to an extinguishment of the right of the grantor, and implies a contract not to reassert that right. If, under a fair construction of the constitution, grants are comprehended under the term contracts, is a grant from the state excluded from the operation of the provision? Is the clause to be considered as inhibiting the state from impairing the obligation of contracts between two individuals, but as excluding from that inhibition contracts made with itself? The words themselves contain no such distinction. They are general, and are applicable to contracts of every description. If contracts made with the state are to be exempted from their operation, the exception must arise from the character of the contracting party, not from the words which are employed. Whatever respect might have been felt for the state sovereignties, it is not to be disguised that the framers of the constitution viewed with some apprehension the violent acts which might grow out of the feelings of the moment; and that the people of the United States, in adopting that instrument, have manifested a determination to shield themselves and their property from the effects of those sudden and strong passions to which men are exposed. The restrictions on the legislative power of the states are obviously founded in this sentiment; and the constitution of the United States contains what may be deemed a bill of rights for the people of each state."

It has also been decided that a grant by a state before the revolution is as much to be protected as a grant since.* But

* New Jersey *v.* Wilson, 7 Cranch, 164.

the case of Terrett *v.* Taylor, before cited, is of all others most pertinent to the present argument. Indeed, the judgment of the court in that case seems to leave little to be argued or decided in this. "A private corporation," say the court, "created by the legislature, may lose its franchises by a *misuser* or a *nonuser* of them; and they may be resumed by the government under a judicial judgment upon a *quo warranto* to ascertain and enforce the forfeitare. This is the common law of the land, and is a tacit condition annexed to the creation of every such corporation. Upon a change of government, too, it may be admitted that such exclusive privileges attached to a private corporation as are inconsistent with the new government, may be abolished. In respect, also, to *public* corporations which exist only for public purposes, such as counties, towns, cities, and so forth, the legislature may, under proper limitations, have a right to change, modify, enlarge, or restrain them, securing, however, the property for the uses of those for whom, and at whose expense it was originally purchased. But that the legislature can repeal statutes creating private corporations, or confirming to them property already acquired under the faith of previous laws, and by such repeal can vest the property of such corporations exclusively in the state, or dispose of the same to such purposes as they please, without the consent or default of the corporators, we are not prepared to admit; and we think ourselves standing upon the principles of natural justice, upon the fundamental laws of every free government, upon the spirit and letter of the constitution of the United States, and upon the decisions of most respectable judicial tribunals, in resisting such a doctrine."

This court, then, does not admit the doctrine that a legislature can repeal statutes creating private corporations. If it cannot repeal them altogether, of course it cannot repeal any part of them, or impair them, or essentially alter them, without the consent of the corporators. If, therefore, it has been shown

that this college is to be regarded as a private charity, this case is embraced within the very terms of that decision. A grant of corporate powers and privileges is as much a contract as a grant of land. What proves all charters of this sort to be contracts is, that they must be accepted to give them force and effect. If they are not accepted, they are void. And in the case of an existing corporation, if a new charter is given it, it may even accept part and reject the rest. In Rex *v.* Vice-Chancellor of Cambridge,* Lord Mansfield says: "There is a vast deal of difference between a new charter granted to a new corporation, (who must take it as it is given,) and a new charter given to a corporation already in being, and acting either under a former charter or under prescriptive usage. The latter, a corporation already existing, are not obliged to accept the new charter *in toto*, and to receive either all or none of it; they may act partly under it, and partly under their old charter or prescription. The validity of these new charters must turn upon the acceptance of them." In the same case Mr. Justice Wilmot says: "It is the concurrence and acceptance of the university that gives the force to the charter of the crown." In the King *v.* Pasmore,† Lord Kenyon observes: "Some things are clear: when a corporation exists capable of discharging its functions, the crown cannot obtrude another charter upon them; they may either accept or reject it."‡

In all cases relative to charters, the acceptance of them is uniformly alleged in the pleadings. This shows the general understanding of the law, that they are grants or contracts; and that parties are necessary to give them force and validity. In King *v.* Dr. Askew,§ it is said: "The crown cannot oblige a man to be a corporator, without his consent; he shall not be subject to the inconveniences of it, without accepting it and assenting to it." These terms, "acceptance" and "assent," are

* 3 Burr. 1656.
† 3 Term Rep. 240.
‡ Vide also 1 Kyd on Cor. 65.
§ 4 Burr. 2200.

the very language of contract. In Ellis *v.* Marshall,* it was expressly adjudged that the naming of the defendant among others, in an act of incorporation, did not, of itself, make him a corporator; and that his assent was necessary to that end. The court speak of the act of incorporation as a grant, and observe: "That a man may refuse a grant, whether from the government or an individual, seems to be a principle too clear to require the support of authorities." But Justice Buller, in King *v.* Pasmore, furnishes, if possible, a still more direct and explicit authority. Speaking of a corporation for government, he says: "I do not know how to reason on this point, better than in the manner urged by one of the relator's counsel, who considered the grant of incorporation to be a compact between the crown and a certain number of the subjects, the latter of whom undertake, in consideration of the privileges which are bestowed, to exert themselves for the good government of the place." This language applies with peculiar propriety and force to the case before the court. It was in consequence of the "privileges bestowed," that Dr. Wheelock and his associates undertook to exert themselves for the instruction and education of youth in this college; and it was on the same consideration that the founder endowed it with his property.

And because charters of incorporation are of the nature of contracts, they cannot be altered or varied but by consent of the original parties. If a charter be granted by the king, it may be altered by a new charter granted by the king, and accepted by the corporators. But, if the first charter be granted by parliament, the consent of parliament must be obtained to any alteration. In King *v.* Miller,† Lord Kenyon says: "Where a corporation takes its rise from the king's charter, the king by granting, and the corporation by accepting another

* 2 Mass. Rep. 269. † 6 Term Rep. 277.

charter, may alter it, because it is done with the consent of all the parties who are competent to consent to the alteration."*

There are, in this case, all the essential constituent parts of a contract. There is something to be contracted about, there are parties, and there are plain terms in which the agreement of the parties on the subject of the contract is expressed. There are mutual considerations and inducements. The charter recites that the founder, on his part, has agreed to establish his seminary in New Hampshire, and to enlarge it beyond its original design, among other things, for the benefit of that province; and thereupon a charter is given to him and his associates, designated by himself, promising and assuring to them, under the plighted faith of the state, the right of governing the college and administering its concerns in the manner provided in the charter. There is a complete and perfect grant to them of all the power of superintendence, visitation and government. Is not this a contract? If lands or money had been granted to him and his associates, for the same purposes, such grant could not be rescinded. And is there any difference, in legal contemplation, between a grant of corporate franchises and a grant of tangible property? No such difference is recognized in any decided case, nor does it exist in the common apprehension of mankind.

It is, therefore, contended that this case falls within the true meaning of this provision of the constitution, as expounded in the decisions of this court; that the charter of 1769 is a contract, a stipulation or agreement, mutual in its considerations, express and formal in its terms, and of a most binding and solemn nature. That the acts in question impair this contract, has already been sufficiently shown. They repeal and abrogate its most essential parts.

A single observation may not be improper on the opinion of the court of New Hampshire, which has been published.

* Vide also 2 Brown's Ch. Rep. 662, Ex parte Bolton School.

The learned judges who delivered that opinion have viewed this question in a very different light from that in which the plaintiffs have endeavored to exhibit it. After some general remarks, they assume that this college is a public corporation; and on this basis their judgment rests. Whether all colleges are not regarded as private and eleemosynary corporations, by all law writers, and all judicial decisions; whether this college was not founded by Dr. Wheelock; whether the charter was not granted at his request, the better to execute a trust, which he had already created; whether he and his associates did not become visitors, by the charter; and whether Dartmouth College be not, therefore, in the strictest sense, a private charity, are questions which the learned judges do not appear to have discussed.

It is admitted in that opinion, that, if it be a private corporation, its rights stand on the same ground as those of an individual. The great question, therefore, to be decided is, To which class of corporations do colleges thus founded belong? And the plaintiffs have endeavored to satisfy the court, that, according to the well-settled principles and uniform decisions of law, they are private, eleemosynary corporations.

Much has heretofore been said on the necessity of admitting such a power in the legislature as has been assumed in this case. Many cases of possible evil have been imagined, which might otherwise be without remedy. Abuses, it is contended, might arise in the management of such institutions, which the ordinary courts of law would be unable to correct. But this is only another instance of that habit of supposing extreme cases, and then of reasoning from them, which is the constant refuge of those who are obliged to defend a cause, which, upon its merits, is indefensible. It would be sufficient to say in answer, that it is not pretended that there was here any such case of necessity. But a still more satisfactory answer is, that the ap-

prehension of danger is groundless, and therefore, the whole argument fails. Experience has not taught us that there is danger of great evils or of great inconvenience from this source. Hitherto, neither in our own country nor elsewhere have such cases of necessity occurred. The judicial establishments of the state are presumed to be competent to prevent abuses and violations of trust, in cases of this kind, as well as in all others. If they be not, they are imperfect, and their amendment would be a most proper subject for legislative wisdom. Under the government and protection of the general laws of the land, these institutions have always been found safe, as well as useful. They go on, with the progress of society, accommodating themselves easily, without sudden change or violence, to the alterations which take place in its condition, and in the knowledge the habits, and pursuits of men. The English colleges were founded in Catholic ages. Their religion was reformed with the general reformation of the nation; and they are suited perfectly well to the purpose of educating the Protestant youth of modern times. Dartmouth College was established under a charter granted by the provincial government; but a better constitution for a college, or one more adapted to the condition of things under the present government, in all material respects, could not now be framed. Nothing in it was found to need alteration at the revolution. The wise men of that day saw in it one of the best hopes of future times, and commended it as it was, with parental care, to the protection and guardianship of the government of the state. A charter of more liberal sentiments, of wiser provisions, drawn with more care, or in a better spirit, could not be expected at any time or from any source. The college needed no change in its organization or government. That which it did need was the kindness, the patronage, the bounty of the legislature; not a mock elevation to the character of a university, without the solid benefit of a shilling's donation to sustain the character; not the swelling

and empty authority of establishing institutes and other colleges. This unsubstantial pageantry would seem to have been in derision of the scanty endowment and limited means of an unobtrusive, but useful and growing seminary. Least of all, was there a necessity, or pretense of necessity, to infringe its legal rights, violate its franchises and privileges, and pour upon it these overwhelming streams of litigation.

But this argument, from necessity, would equally apply in all other cases. If it be well founded, it would prove, that, whenever any inconvenience or evil is experienced from the restrictions imposed on the legislature by the constitution, these restrictions ought to be disregarded. It is enough to say that the people have thought otherwise. They have most wisely chosen to take the risk of occasional inconvenience from the want of power, in order that there might be a settled limit to its exercise, and a permanent security against its abuse. They have imposed prohibitions and restraints; and they have not rendered these altogether vain and nugatory by conferring the power of dispensation. If inconvenience should arise which the legislature cannot remedy under the power conferred upon it, it is not answerable for such inconvenience. That which it cannot do within the limits prescribed to it, it cannot do at all. No legislature in this country is able, and may the time never come when it shall be able, to apply to itself the memorable expression of a Roman pontiff: "*Licet hoc* DE JURE *non possumus, volumus tamen* DE PLENITUDINE POTESTATIS."

The case before the court is not of ordinary importance, nor of every-day occurrence. It affects not this college, only, but every college, and all the literary institutions of the country. They have flourished hitherto, and have become, in a high degree, respectable and useful to the community. They have all a common principle of existence, the inviolability of

their charters. It will be a dangerous, a most dangerous experiment, to hold these institutions subject to the rise and fall of popular parties, and the fluctuations of political opinions. If the franchise may be at any time taken away, or impaired, the property, also, may be taken away, or its use perverted. Benefactors will have no certainty of effecting the object of their bounty; and learned men will be deterred from devoting themselves to the service of such institutions, from the precarious title of their offices. Colleges and halls will be deserted by all better spirits, and become a theater for the contentions of politics. Party and faction will be cherished in the places consecrated to piety and learning. These consequences are neither remote nor possible only. They are certain and immediate.

When the court in North Carolina declared the law of the state, which repealed a grant to its university, unconstitutional and void, the legislature had the candor and the wisdom to repeal the law. This example, so honorable to the state which exhibited it, is most fit to be followed on this occasion. And there is good reason to hope that a state which has hitherto been so much distinguished for temperate counsels, cautious legislation, and regard to law, will not fail to adopt a course which will accord with her highest and best interests, and in no small degree elevate her reputation.

It was, for many and obvious reasons, most anxiously desired that the question of the power of the legislature over this charter, should have been finally decided in the state court. An earnest hope was entertained that the judges of that court might have viewed the case in a light favorable to the rights of the trustees. That hope has failed. It is here that those rights are now to be maintained, or they are prostrated forever. *Omnia alia perfugia bonorum, sub-*

sidia, consilia, auxilia, jura cecidorunt. Quem enim alium appellem? quem obtester? quem implorem? Nisi hoc loco, nisi apud vos, nisi per vos, judices, salutem nostram, quæ spe exigua extremaque pendet, tenuerimus; nihil est præterea quo confugere possimus.

WEBSTER'S MASTER-PIECE

AS

AN ANNIVERSARY ORATOR.

FIRST SETTLEMENT OF NEW ENGLAND.

INTRODUCTORY NOTE.

The master-piece next in the order of time is the following, which was pronounced on the 22d of December, 1820, at the first anniversary celebration of the Landing of the Pilgrims at Plymouth Rock, two hundred years from the date of that event. At the time of its delivery, it was universally regarded as the most eloquent address ever uttered on this continent; and certainly nothing equal to it has since appeared, excepting what Mr. Webster has produced. On the day it was delivered the orator was nearly *thirty-eight* years of age.

PLYMOUTH ORATION.

DISCOURSE IN COMMEMORATION OF THE FIRST SETTLEMENT OF NEW ENGLAND, DELIVERED AT PLYMOUTH, ON THE 22D DAY OF DECEMBER, 1820.

Let us rejoice that we behold this day. Let us be thankful that we have lived to see the bright and happy breaking of the auspicious morn, which commences the third century of the history of New England. Auspicious, indeed—bringing a happiness beyond the common allotment of Providence to men—full of present joy, and gilding with bright beams the prospect of futurity, is the dawn that awakens us to the commemoration of the landing of the Pilgrims.

Living at an epoch which naturally marks the progress of the history of our native land, we have come hither to celebrate the great event with which that history commenced. Forever honored be this, the place of our fathers' refuge! Forever remembered the day which saw them, weary and distressed, broken in everything but spirit, poor in all but faith and courage, at last secure from the dangers of wintry seas, and impressing this shore with the first footsteps of civilized man!

It is a noble faculty of our nature which enables us to connect our thoughts, our sympathies, and our happiness with what is distant in place or time; and, looking before and after, to hold communion at once with our ancestors and our posterity. Human and mortal although we are, we are nevertheless not mere insulated beings, without relation to the past or the future. Neither the point of time, nor the spot of earth, in which we physically live, bounds our rational and intellectual enjoyments. We live in the past by a knowledge of its history; and in the future by hope and anticipation. By ascending to an associa-

tion with our ancestors; by contemplating their example and studying their character; by partaking their sentiments, and imbibing their spirit; by accompanying them in their toils, by sympathizing in their sufferings, and rejoicing in their successes and their triumphs; we mingle our own existence with theirs, and seeem to belong to their age. We become their cotemporaries, live the lives which they lived, endure what they endured, and partake in the rewards which they enjoyed. And in like manner, by running along the line of future time, by contemplating the probable fortunes of those who are coming after us, by attempting something which may promote their happiness, and leave some not dishonorable memorial of ourselves for their regard, when we shall sleep with the fathers, we protract our own earthly being, and seem to crowd whatever is future, as well as all that is past, into the narrow compass of our earthly existence. As it is not a vain and false, but an exalted and religious imagination, which leads us to raise our thoughts from the orb, which, amidst this universe of worlds, the Creator has given us to inhabit, and to send them with something of the feeling which nature prompts, and teaches to be proper among children of the same Eternal Parent, to the contemplation of the myriads of fellow-beings, with which his goodness has peopled the infinite of space; so neither is it false or vain to consider ourselves as interested and connected with our whole race, through all time; allied to our ancestors; allied to our posterity; closely compacted on all sides with others; ourselves being but links in the great chain of being, which begins with the origin of our race, runs onward through its successive generations, binding together the past, the present, and the future, and terminating at last, with the consummation of all things earthly, at the throne of God.

There may be, and there often is, indeed, a regard for ancestry, which nourishes only a weak pride; as there is also a care for posterity, which only disguises an habitual avarice, or

hides the workings of a low and groveling vanity. But there is also a moral and philosophical respect for our ancestors, which elevates the character and improves the heart. Next to the sense of religious duty and moral feeling, I hardly know what should bear with stronger obligation on a liberal and enlightened mind, than a consciousness of alliance with excellence which is departed; and a consciousness, too, that in its acts and conduct, and even in its sentiments and thoughts, it may be actively operating on the happiness of those who come after it. Poetry is found to have few stronger conceptions, by which it would affect or overwhelm the mind, than those in which it presents the moving and speaking image of the departed dead to the senses of the living. This belongs to poetry, only because it is congenial to our nature. Poetry is, in this respect, but the handmaid of true philosophy and morality; it deals with us as human beings, naturally reverencing those whose visible connection with this state of existence is severed, and who may yet exercise we know not what sympathy with ourselves; and when it carries us forward, also, and shows us the long continued result of all the good we do, in the prosperity of those who follow us, till it bears us from ourselves, and absorbs us in an intense interest for what shall happen to the generations after us, it speaks only in the language of our nature, and affects us with sentiments which belong to us as human beings.

Standing in this relation to our ancestors and our posterity, we are assembled on this memorable spot, to perform the duties which that relation and the present occasion imposes upon us. We have come to this Rock, to record here our homage for our Pilgrim Fathers; our sympathy in their sufferings; our gratitude for their labors; our admiration of their virtues; our veneration for their piety; and our attachment to those principles of civil and religious liberty, which they encountered the dangers of the ocean, the storms of heaven, the violence of

savages, disease, exile, and famine, to enjoy and establish. And we would leave here, also, for the generations which are rising up rapidly to fill our places, some proof that we have endeavored to transmit the great inheritance unimpaired; that in our estimate of public principles and private virtue, in our veneration of religion and piety, in our devotion to civil and religious liberty, in our regard for whatever advances human knowledge or improves human happiness, we are not altogether unworthy of our origin.

There is a local feeling connected with this occasion, too strong to be resisted; a sort of *genius of the place*, which inspires and awes us. We feel that we are on the spot where the first scene of our history was laid; where the hearths and altars of New England were first placed; where christianity, and civilization, and letters made their first lodgment, in a vast extent of country, covered with a wilderness, and peopled by roving barbarians. We are here, at the season of the year at which the event took place. The imagination irresistibly and rapidly draws around us the principal features and the leading characters in the original scene. We cast our eyes abroad on the ocean, and we see where the little bark, with the interesting group upon its deck, made its slow progress to the shore. We look around us, and behold the hills and promontories where the anxious eyes of our fathers first saw the places of habitation and of rest. We feel the cold which benumbed, and listen to the winds which pierced them. Beneath us is the Rock, on which New England received the feet of the Pilgrims. We seem even to behold them, as they struggle with the elements, and, with toilsome efforts, gain the shore. We listen to the chiefs in council; we see the unexampled exhibition of female fortitude and resignation; we hear the whisperings of youthful impatience, and we see, what a painter of our own has also represented by his pencil, chilled and shivering childhood, houseless, but for a mother's arms, couchless, but for a mother's

breast, till our own blood almost freezes. The mild dignity of Carver and of Bradford; the decisive and soldier-like air and manner of Standish; the devout Brewster; the enterprising Allerton; the general firmness and thoughtfulness of the whole band; their conscious joy for dangers escaped; their deep solicitude about dangers to come; their trust in Heaven; their high religious faith, full of confidence and anticipation; all these seem to belong to this place, and to be present upon this occasion, to fill us with reverence and admiration.

The settlement of New England by the colony which landed here on the twenty-second of December, sixteen hundred and twenty, although not the first European establishment in what now constitutes the United States, was yet so peculiar in its causes and character, and has been followed and must still be followed by such consequences, as to give it a high claim to lasting commemoration. On these causes and consequences, more than on its immediately attendant circumstances, its importance, as an historical event, depends. Great actions and striking occurrences, having excited a temporary admiration, often pass away and are forgotten, because they leave no lasting results, affecting the prosperity and happiness of communities. Such is frequently the fortune of the most brilliant military achievements. Of the ten thousand battles which have been fought, of all the fields fertilized with carnage, of the banners which have been bathed in blood, of the warriors who have hoped that they had risen from the field of conquest to a glory as bright and as durable as the stars, how few that continue long to interest mankind! The victory of yesterday is reversed by the defeat of to-day; the star of military glory, rising like a meteor, like a meteor has fallen; disgrace and disaster hang on the heels of conquest and renown; victor and vanquished presently pass away to oblivion, and the world goes on in its course, with the loss only of so many lives and so much treasure.

But if this be frequently, or generally, the fortune of military achievements, it is not always so. There are enterprises, military as well as civil, which sometimes check the current of events, give a new turn to human affairs, and transmit their consequences through ages. We see their importance in their results, and call them great, because great things follow. There have been battles which have fixed the fate of nations. These come down to us in history with a solid and permanent interest, not created by a display of glittering armor, the rush of adverse battalions, the sinking and rising of pennons, the flight, the pursuit, and the victory; but by their effect in advancing or retarding human knowledge, in overthrowing or establishing despotism, in extending or destroying human happiness. When the traveler pauses on the plain of Marathon, what are the emotions which most strongly agitate his breast? What is that glorious recollection, which thrills through his frame, and suffuses his eyes? Not, I imagine, that Grecian skill and Grecian valor were here most signally displayed; but that Greece herself was here saved. It is because to this spot, and to the event which has rendered it immortal, he refers all the succeeding glories of the republic. It is because, if that day had gone otherwise, Greece had perished. It is because he perceives that her philosophers and orators, her poets and painters, her sculptors and architects, her governments and free institutions, point backward to Marathon, and that their future existence seems to have been suspended on the contingency, whether the Persian or the Grecian banner should wave victorious in the beams of that day's setting sun. And, as his imagination kindles at the retrospect, he is transported back to the interesting moment; he counts the fearful odds of the contending hosts; his interest for the result overwhelms him; he trembles, as if it were still uncertain, and seems to doubt whether he may consider Socrates and Plato, Demosthenes, Sophocles, and Phidias, as secure, yet, to himself and to the world.

"If we conquer," said the Athenian commander, on the morning of that decisive day, "if we conquer, we shall make Athens the greatest city of Greece." A prophecy, how well fulfilled! "If God prosper us," might have been the more appropriate language of our fathers, when they landed upon this Rock, "if God prosper us, we shall here begin a work which shall last for ages; we shall plant here a new society, in the principles of the fullest liberty and the purest religion; we shall subdue this wilderness which is before us; we shall fill this region of the great continent, which stretches almost from pole to pole, with civilization and christianity; the temples of the true God shall rise, where now ascends the smoke of idolatrous sacrifice; fields and gardens, the flowers of summer, and the waving and golden harvest of autumn, shall extend over a thousand hills, and stretch along a thousand valleys, never yet, since the creation, reclaimed to the use of civilized man. We shall whiten this coast with the canvas of a prosperous commerce; we shall stud the long and winding shore with a hundred cities. That which we sow in weakness shall be raised in strength. From our sincere, but houseless worship, there shall spring splendid temples to record God's goodness; from the simplicity of our social union, there shall arise wise and politic constitutions of government, full of the liberty which we ourselves bring and breathe; from our zeal for learning, institutions shall spring which shall scatter the light of knowledge throughout the land, and, in time, paying back where they have borrowed, shall contribute their part to the great aggregate of human knowledge; and our descendants, through all generations, shall look back to this spot, and to this hour, with unabated affection and regard."

A brief remembrance of the causes which led to the settlement of this place; some account of the peculiarities and characteristic qualities of that settlement, as distinguished from other instances of colonization; a short notice of the progress

of New England in the great interests of society, during the century which is now elapsed; with a few observations on the principles upon which society and government are established in this country; comprise all that can be attempted, and much more than can be satisfactorily performed, on the present occasion.

Of the motives which influenced the first settlers to a voluntary exile, induced them to relinquish their native country, and to seek an asylum in this then unexplored wilderness, the first and principal, no doubt, were connected with religion. They sought to enjoy a higher degree of religious freedom, and what they esteemed a purer form of religious worship, than was allowed to their choice, or presented to their imitation, in the Old World. The love of religious liberty is a stronger sentiment, when fully excited, than an attachment to civil or political freedom. That freedom which the conscience demands, and which men feel bound by their hopes of salvation to contend for, can hardly fail to be attained. Conscience, in the cause of religion and the worship of the Deity, prepares the mind to act and to suffer beyond almost all other causes. It sometimes gives an impulse so irresistible, that no fetters of power or of opinion can withstand it. History instructs us that this love of religious liberty, a compound sentiment in the breast of man, made up of the clearest sense of right and the highest conviction of duty, is able to look the sternest despotism in the face, and, with means apparently most inadequate, to shake principalities and powers. There is a boldness, a spirit of daring, in religious reformers, not to be measured by the general rules which control men's purposes and actions. If the hand of power be laid upon it, this only seems to augment its force and its elasticity, and to cause its action to be more formidable and violent. Human invention has devised nothing, human power has compassed nothing, that can forcibly restrain it, when it breaks forth. Nothing can stop it, but to

give way to it; nothing can check it, but indulgence. It loses its power only when it has gained its object. The principle of toleration to which the world has come so slowly, is at once the most just and the most wise of all principles. Even when religious feeling takes a character of extravagance and enthusiasm, and seems to threaten the order of society and shake the columns of the social edifice, its principal danger is in its restraint. If it be allowed indulgence and expansion, like the elemental fires, it only agitates, and perhaps purifies, the atmosphere; while its efforts to throw off restraint would burst the world asunder.

It is certain, that, although many of them were republicans in principle, we have no evidence that our New England ancestors would have emigrated, as they did, from their own native country, become wanderers in Europe, and finally undertaken the establishment of a colony here, merely from their dislike of the political systems of Europe. They fled not so much from the civil government, as from the hierarchy, and the laws which enforced conformity to the church establishment. Mr. Robinson had left England as early as sixteen hundred and eight, on account of the persecutions for non-conformity, and had retired to Holland. He left England, from no disappointed ambition in affairs of state, from no regrets at the want of preferment in the church, nor from any motive of distinction or of gain. Uniformity in matters of religion was pressed with such extreme rigor, that a voluntary exile seemed the most eligible mode of escaping from the penalties of non-compliance. The accession of Elizabeth had, it is true, quenched the fires of Smithfield, and put an end to the easy acquisition of the crown of martyrdom. Her long reign had established the reformation, but toleration was a virtue beyond her conception, and beyond the age. She left no example of it to her successor; and he was not of a charater which rendered it probable that a sentiment either so wise or so liberal should originate with

him. At the present period it seems incredible, that the learned, accomplished, unassuming, and inoffensive Robinson should neither be tolerated in his peaceable mode of worship in his own country, nor suffered quietly to depart from it. Yet such was the fact. He left his country by stealth, that he might elsewhere enjoy those rights which ought to belong to men in all countries. The embarkation of the Pilgrims for Holland is deeply interesting, from its circumstances, and also as it marks the character of the times, independently of its connection with names now incorporated with the history of empire. The embarkation was intended to be in the night, that it might escape the notice of the officers of government. Great pains had been taken to secure boats, which should come undiscovered to the shore, and receive the fugitives; and frequent disappointments had been experienced in this respect. At length the appointed time came, bringing with it unusual severity of cold and rain. An unfrequented and barren heath, on the shores of Lincolnshire, was the selected spot, where the feet of the Pilgrims were to tread, for the last time, the land of their fathers.

The vessel which was to receive them did not come until the next day, and in the mean time the little band was collected, and men and women and children and baggage were crowded together, in melancholy and distressed confusion. The sea was rough, and the women and children already sick, from their passage down the river to the place of embarkation. At length the wished-for boat silently and fearfully approaches the shore, and men and women and children, shaking with fear and with cold, as many as the small vessel could bear, venture off on a dangerous sea. Immediately the advance of horses is heard from behind, armed men appear, and those not yet embarked are seized, and taken into custody. In the hurry of the moment, there had been no regard to the keeping together of families, in the first embarkation,

and on account of the appearance of the horsemen, the boat never returned for the residue. Those who had got away, and those who had not, were in equal distress.

A storm of great violence, and long duration, arose at sea, which not only protracted the voyage, rendered distressing by the want of all those accommodations which the interruption of the embarkation had occasioned, but also forced the vessel out of her course, and menaced immediate shipwreck; while those on shore, when they were dismissed from the custody of the officers of justice, having no longer homes or houses to retire to, and their friends and protectors being already gone, became objects of necessary charity, as well as of deep commiseration.

As this scene passes before us, we can hardly forbear asking, whether this be a band of malefactors and felons flying from justice. What are their crimes, that they hide themselves in darkness? To what punishment are they exposed, that, to avoid it, men, and women, and children, thus encounter the surf of the North Sea, and the terrors of a night storm? What induces this armed pursuit, and this arrest of fugitives, of all ages and both sexes? Truth does not allow us to answer these inquiries in a manner that does credit to the wisdom or the justice of the times. This was not the flight of guilt, but of virtue. It was an humble and peaceable religion, flying from causeless oppression. It was conscience, attempting to escape from the arbitrary rule of the Stuarts. It was Robinson and Brewster, leading off their little band from their native soil, at first to find shelter on the shores of the neighboring continent, but ultimately to come hither; and having surmounted all difficulties and braved a thousand dangers, to find here a place of refuge and of rest. Thanks be to God, that this spot was honored as the asylum of religious liberty! May its standard, reared here, remain forever! May it rise up as high as heaven,

till its banner shall fan the air of both continents, and wave as a glorious ensign of peace and security to the nations!

The peculiar character, condition, and circumstances of the colonies which introduced civilization and an English race into New England, afford a most interesting and extensive topic of discussion. On these, much of our subsequent character and fortune has depended. Their influence has essentially affected our whole history, through the two centuries which have elapsed; and as they have become intimately connected with government, laws, and property, as well as with our opinions on the subjects of religion and civil liberty, that influence is likely to continue to be felt through the centuries which shall succeed. Emigration from one region to another, and the emission of colonies to people countries more or less distant from the residence of the parent stock, are common incidents in the history of mankind; but it has not often, perhaps never, happened, that the establishment of colonies should be attempted under circumstances, however beset with present difficulties and dangers, yet so favorable to ultimate success, and so conducive to magnificent results, as those which attended the first settlements on this part of the continent. In other instances, emigration has proceeded from a less exalted purpose, in a period of less general intelligence, or more without plan and by accident; or under circumstances, physical and moral, less favorable to the expectation of laying a foundation for great public prosperity and future empire.

A great resemblance exists, obviously, between all the English colonies established within the present limits of the United States; but the occasion attracts our attention more immediately to those which took possession of New England, and the peculiarities of these furnish a strong contrast with most other instances of colonization.

Among the ancient nations, the Greeks, no doubt, sent forth from their territories the greatest number of colonies. So nu-

merous, indeed, were they, and so great the extent of space over which they were spread, that the parent country fondly and naturally persuaded herself, that by means of them she had laid a sure foundation for the universal civilization of the world. These establishments, from obvious causes, were most numerous in places most contiguous; yet they were found on the coasts of France, on the shores of the Euxine Sea, in Africa, and even, as is alleged, on the borders of India. These emigrations appear to have been sometimes voluntary and sometimes compulsory; arising from the spontaneous enterprise of individuals, or the order and regulation of government. It was a common opinion with ancient writers, that they were undertaken in religious obedience to the commands of oracles, and it is probable that impressions of this sort might have had more or less influence; but it is probable, also, that on these occasions the oracles did not speak a language dissonant from the views and purposes of the state.

Political science among the Greeks seems never to have extended to the comprehension of a system, which should be adequate to the government of a great nation upon principles of liberty. They were accustomed only to the contemplation of small republics, and were led to consider an augmented population as incompatible with free institutions. The desire of a remedy for this supposed evil, and the wish to establish marts for trade, led the governments often to undertake the establishment of colonies as an affair of state expediency. Colonization and commerce, indeed, would naturally become objects of interest to an ingenious and enterprising people, inhabiting a territory closely circumscribed in its limits, and in no small part mountainous and sterile; while the islands of the adjacent seas, and the promontories and coasts of the neighboring continents, by their mere proximity, strongly solicited the excited spirit of emigration. Such was this proximity, in many instances, that the new settlements appeared rather to be the mere extension

of population over contiguous territory, than the establishment of distant colonies. In proportion as they were near to the parent state, they would be under its authority, and partake of its fortunes. The colony at Marseilles might perceive lightly, or not at all, the sway of Phocis; while the islands in the Ægean Sea could hardly attain to independence of their Athenian origin. Many of these establishments took place at an early age; and if there were defects in the governments of the parent states, the colonists did not possess philosophy or experience sufficient to correct such evils in their own institutions, even if they had not been, by other causes, deprived of the power. An immediate necessity, connected with the support of life, was the main and direct inducement to these undertakings, and there could hardly exist more than the hope of a successful imitation of institutions with which they were already acquainted, and of holding an equality with their neighbors in the course of improvement. The laws and customs, both political and municipal, as well as the religious worship of the parent city, were transferred to the colony; and the parent city herself, with all such of her colonies as were not too far remote for frequent intercourse and common sentiments, would appear like a family of cities, more or less dependent, and more or less connected. We know how imperfect this system was, as a system of general politics, and what scope it gave to those mutual dissensions and conflicts which proved so fatal to Greece.

But it is more pertinent to our present purpose to observe, that nothing existed in the character of Grecian emigration, or in the spirit and intelligence of the emigrants, likely to give a new and important direction to human affairs, or a new impulse to the human mind. Their motives were not high enough, their views were not sufficiently large and prospective. They went not forth, like our ancestors, to erect systems of more perfect civil liberty, or to enjoy a higher degree of religious freedom. Above all, there was nothing in the religion and learning of the

age, that could either inspire high purposes, or give the ability to execute them. Whatever restraints on civil liberty, or whatever abuses in religious worship, existed at the time of our fathers' emigration, yet even then all was light in the moral and mental world, in comparison with its condition in most periods of the ancient states. The settlement of a new continent, in an age of progressive knowledge and improvement, could not but do more than merely enlarge the natural boundaries of the habitable world. It could not but do much more even than extend commerce and increase wealth among the human race. We see how this event has acted, how it must have acted, and wonder only why it did not act sooner, in the production of moral effects, on the state of human knowledge, the general tone of human sentiments, and the prospects of human happiness. It gave to civilized man not only a new continent to be inhabited and cultivated, and new seas to be explored; but it gave him also a new range for his thoughts, new objects for curiosity, and new excitements to knowledge and improvement.

Roman colonization resembled, far less than that of the Greeks, the original settlements of this country. Power and dominion were the objects of Rome, even in her colonial establishments. Her whole exterior aspect was for centuries hostile and terrific. She grasped at dominion, from India to Britain, and her measures of colonization partook of the character of her general system. Her policy was military, because her objects were power, ascendency, and subjugation. Detachments of emigrants from Rome incorporated themselves with, and governed, the original inhabitants of conquered countries. She sent citizens where she had first sent soldiers; her law followed her sword. Her colonies were a sort of military establishment; so many advanced posts in the career of her dominion. A governor from Rome ruled the new colony with absolute sway, and often with unbounded rapacity. In Sicily, in

Gaul, in Spain, and in Asia, the power of Rome prevailed, not nominally only, but really and effectually. Those who immediately exercised it were Roman; the tone and tendency of its administration, Roman. Rome herself continued to be the heart and center of the great system which she had established. Extortion and rapacity, finding a wide and often rich field of action in the provinces, looked nevertheless to the banks of the Tiber, as the scene in which their ill-gotten treasure should be displayed; or, if a spirit of more honest acquisition prevailed, the object, nevertheless, was ultimate enjoyment in Rome itself. If our own history and our own times did not sufficiently expose the inherent and incurable evils of provincial government, we might see them portrayed, to our amazement, in the desolated and ruined provinces of the Roman empire. We might hear them, in a voice that terrifies us, in those strains of complaint and accusation, which the advocates of the provinces poured forth in the Roman forum: "Quas res luxuries in flagitiis, crudelitas in suppliciis, avaritia in rapinis, superbia in contumeliis, efficere potuisset, eas omnes sese pertulisse."

As was to be expected, the Roman provinces partook of the fortunes, as well as of the sentiments and general character of the seat of empire. They lived together with her, they flourished with her, and fell with her. The branches were lopped away even before the vast and venerable trunk itself fell prostrate to the earth. Nothing had proceeded from her which could support itself, and bear up the name of its origin, when her own sustaining arm should be enfeebled or withdrawn. It was not given to Rome to see, either at her zenith or in her decline, a child of her own, distant, indeed, and independent of her control, yet speaking her language and inheriting her blood, springing forward to a competition with her own power, and a comparison with her own great renown. She saw not a vast region of the earth peopled from her stock, full of states and political communities, improving upon the models of her

institutions, and breathing in fuller measure the spirit which she had breathed in the best periods of her existence; enjoying and extending her arts and her literature; rising rapidly from political childhood to manly strength and independence; her offspring, yet now her equal; unconnected with the causes which might affect the duration of her own power and greatness; of common origin, but not linked to a common fate; giving ample pledge, that her name should not be forgotten, that her language should not cease to be used among men; that whatsoever she had done for human knowledge and human happiness should be treasured up and preserved; that the record of her existence and her achievements should not be obscured, although, in the inscrutable purposes of Providence, it might be her destiny to fall from opulence and splendor; although the time might come, when darkness should settle on all her hills; when foreign or domestic violence should overturn her altars and her temples; when ignorance and despotism should fill the places where laws, and arts, and liberty had flourished; when the feet of barbarism should trample on the tombs of her consuls, and the walls of her senate-house and forum echo only to the voice of savage triumph. She saw not this glorious vision, to inspire and fortify her against the possible decay or downfall of her power. Happy are they who in our day may behold it, if they shall contemplate it with the sentiments which it ought to inspire!

The New England colonies differ quite as widely from the Asiatic establishments of the modern European nations, as from the models of the ancient states. The sole object of those establishments was originally trade; although we have seen, in one of them, the anomaly of a mere trading company attaining a political character, disbursing revenues, and maintaining armies and fortresses, until it has extended its control over seventy millions of people. Differing from these, and still more from the New England and North American colonies, are the

European settlements in the West India Islands. It is not strange, that, when men's minds were turned to the settlement of America, different objects should be proposed by those who emigrated to the different regions of so vast a country. Climate, soil, and condition were not all equally favorable to all pursuits. In the West Indies, the purpose of those who went thither was to engage in that species of agriculture, suited to the soil and climate, which seems to bear more resemblance to commerce, than to the hard and plain tillage of New England. The great staples of these countries, being partly an agricultural and partly a manufactured product, and not being of the necessaries of life, become the object of calculation, with respect to a profitable investment of capital, like any other enterprise of trade or manufacture; and more especially, as requiring, by necessity or habit, slave labor for their production, the capital necessary to carry on the work of this production is more considerable. The West Indies are resorted to, therefore, rather for the investment of capital, than for the purpose of sustaining life by personal labor. Such as possess a considerable amount of capital, or such as choose to adventure in commercial speculations without capital, can alone be fitted to be emigrants to the islands. The agriculture of these regions, as before observed, is a sort of commerce; and it is a species of employment in which labor seems to form an inconsiderable ingredient in the productive causes, since the portion of white labor is exceedingly small, and slave labor is rather more like profit on stock or capital, than *labor* properly so called. The individual who contemplates an establishment of this kind takes into the account the cost of the necessary number of slaves, in the same manner as he calculates the cost of the land. The uncertainty, too, of this species of employment, affords another ground of resemblance to commerce. Although gainful on the whole, and in a series of years, it is often very disastrous for a single year, and, as the capital is not readily invested in other

pursuits, bad crops or bad markets not only affect the profits, but the capital itself. Hence the sudden depressions which take place in the value of such estates.

But the great and leading observation, relative to these establishments, remains to be made. It is, that the owners of the soil and of the capital seldom consider themselves *at home* in the colony. A very great portion of the soil itself is usually owned in the mother country; a still greater is mortgaged for capital obtained there; and, in general, those who are to derive an interest from the products look to the parent country as the place for enjoyment of their wealth. The population is therefore constantly fluctuating. Nobody comes but to return. A constant succession of owners, agents, and factors takes place. Whatsoever the soil, forced by the unmitigated toil of slavery, can yield, is sent home to defray rents, and interest, and agencies, or to give the means of living in a better society. In such a state, it is evident that no spirit of permanent improvement is likely to spring up. Profits will not be invested with a distant view of benefiting posterity. Roads and canals will hardly be built; schools will not be founded; colleges will not be endowed. There will be few fixtures in society; no principles of utility or of elegance, planted now, with the hope of being developed and expanded hereafter. Profit, immediate profit, must be the principal active spring in the social system. There may be many particular exceptions to these general remarks, but the outline of the whole is such as is here drawn.

Another most important consequence of such a state of things is, that no idea of independence of the parent country is likely to arise; unless, indeed, it should spring up in a form that would threaten universal desolation. The inhabitants have no strong attachment to the place which they inhabit. The hope of a great portion of them is to leave it; and their great desire to leave it soon. However useful they may be to the parent

state, how much soever they may add to the conveniences and luxuries of life, these colonies are not favored spots for the expansion of the human mind, for the progress of permanent improvement, or for sowing the seeds of future independent empire.

Different, indeed, most widely different, from all these instances of emigration and plantation, were the condition, the purposes, and the prospects of our fathers, when they established their infant colony upon this spot. They came hither-to a land from which they were never to return. Hither they had brought, and here they were to fix, the hopes, the attachments, and the objects of their lives. Some natural tears they shed, as they left the pleasant abodes of their fathers, and some emotions they suppressed, when the white cliffs of their native country, now seen for the last time, grew dim to their sight. They were acting, however, upon a resolution not to be changed. With whatever stifled regrets, with whatever occasional hesitation, with whatever appalling apprehensions, which might sometimes arise with force to shake the firmest purpose, they had yet committed themselves to Heaven and the elements; and a thousand leagues of water soon interposed to separate them forever from the region which gave them birth. A new existence awaited them here; and when they saw these shores, rough, cold, barbarous, and barren, as then they were, they beheld their country. That mixed and strong feeling, which we call love of country, and which is, in general, never extinguished in the heart of man, grasped and embraced its proper object here. Whatever constitutes *country*, except the earth and the sun, all the moral causes of affection and attachment which operate upon the heart, they had brought with them to their new abode. Here were now their families and friends, their homes, and their property. Before they reached the shore, they had established the elements of a social system, and at a much earlier period had settled their forms of religious

worship. At the moment of their landing, therefore, they possessed institutions of government, and institutions of religion: and friends and families, and social and religious institutions, constituted by consent, founded on choice and preference, how nearly do these fill up our whole idea of country! The morning that beamed on the first night of their repose, saw the Pilgrims already established in their country. There were political institutions, and civil liberty, and religious worship. Poetry has fancied nothing, in the wanderings of heroes, so distinct and characteristic. Here was man, indeed, unprotected, and unprovided for, on the shore of a rude and fearful wilderness; but it was politic, intelligent, and educated man. Everything was civilized but the physical world. Institutions, containing in substance all that ages had done for human government, were founded in a forest. Cultivated mind was to act on uncultivated nature; and, more than all, a government and a country were to commence, with the very first foundation laid under the divine light of the christian religion. Happy auspices of a happy futurity! Who would wish that his country's existence had otherwise begun? Who would desire the power of going back to the ages of fable? Who would wish for an origin obscured in the darkness of antiquity? Who would wish for other emblazoning of his country's heraldry, or other ornaments of her genealogy, than to be able to say, that her first existence was with intelligence, her first breath the inspiration of liberty, her first principle the truth of divine religion?

Local attachments and sympathies would ere long spring up in the breasts of our ancestors, endearing to them the place of their refuge. Whatever natural objects are associated with interesting scenes and high efforts, obtain a hold on human feeling, and demand from the heart a sort of recognition and regard. This Rock soon became hallowed in the esteem of the Pilgrims, and these hills grateful to their sight. Neither they nor their children were again to till the soil of England, nor

again to traverse the seas which surround her. But here was a new sea, now open to their enterprise, and a new soil, which had not failed to respond gratefully to their laborious industry, and which was already assuming a robe of verdure. Hardly had they provided shelter for the living, ere they were summoned to erect sepulchres for the dead. The ground had become sacred, by inclosing the remains of some of their companions and connections. A parent, a child, a husband, or a wife, had gone the way of all flesh, and mingled with the dust of New England. We naturally look with strong emotions to the spot, though it be a wilderness, where the ashes of those we have loved repose. Where the heart has laid down what it loved most, it is desirous of laying itself down. No sculptured marble, no enduring monument, no honorable inscription, no ever-burning taper that would drive away the darkness of the sepulchre, can soften our sense of the reality of dissolution, and hallow to our feelings the ground which is to cover us, like the consciousness that we shall sleep, dust to dust, with the objects of our affections.

In a short time, other causes sprung up to bind the Pilgrims with new cords to their chosen land. Children were born, and the hopes of future generations arose, in the spot of their new habitation. The second generation found this the land of their nativity, and saw that they were bound to its fortunes. They beheld their fathers' graves around them, and while they read the memorials of their toils and labors, they rejoiced in the inheritance which they found bequeathed to them.

Under the influence of these causes, it was to be expected that an interest and a feeling should arise here entirely different from the interest and feeling of mere Englishmen; and all the subsequent history of the colonies proves this to have actually and gradually taken place. With the general acknowledgment of the supremacy of the British crown, there was, from the first, a repugnance to an entire submission to the control of

British legislation. The colonies stood upon their charters, which, as they contended, exempted them from the ordinary power of the British parliament, and authorized them to conduct their own concerns by their own counsels. They utterly resisted the notion that they were to be ruled by the mere authority of the government at home, and would not endure even that their own charter governments should be established on the other side of the Atlantic. It was not a controlling or protecting board in England, but a government of their own, and existing immediately within their limits, which could satisfy their wishes. It was easy to foresee, what we know also to have happened, that the first great cause of collision and jealousy would be, under the notion of political economy then and still prevalent in Europe, an attempt, on the part of the mother country, to monopolize the trade of the colonies. Whoever has looked deeply into the causes which produced our revolution, has found, if I mistake not, the original principle far back in this claim, on the part of England, to monopolize our trade, and a continued effort, on the part of the colonies, to resist or evade that monopoly; if, indeed, it be not still more just and philosophical to go farther back, and to consider it decided that an independent government must arise here, the moment it was ascertained that an English colony, such as landed in this place, could sustain itself against the dangers which surrounded it, and, with other similar establishments, overspread the land with an English population. Accidental causes retarded, at times, and at times accelerated, the progress of the controversy. The colonies wanted strength, and time gave it to them. They required measures of strong and palpable injustice, on the part of the mother country, to justify resistance; the early part of the late king's reign furnished them. They needed spirits of high order, of great daring, of long foresight, and of commanding power, to seize the favoring occasion to strike a blow, which should sever, forever, the tie

of colonial dependence; and these spirits were found, in all the extent which that or any crisis could demand, in Otis, Adams, Hancock, and the other immediate authors of our independence. Still, it is true that, for a century, causes had been in operation tending to prepare things for this great result. In the year 1660, the English Act of Navigation was passed; the first and grand object of which seems to have been, to secure to England the whole trade with her plantations. It was provided by that act, that none but English ships should transport American produce over the ocean, and that the principal articles of that produce should be allowed to be sold only in the markets of the mother country. Three years afterward another law was passed, which enacted that such commodities as the colonies might wish to purchase should be bought only in the markets of the mother country. Severe rules were prescribed to enforce the provisions of these laws, and heavy penalties imposed on all who should violate them. In the subsequent years of the same reign, other statutes were passed to reënforce these statutes, and other rules prescribed to secure a compliance with these rules.

In this manner was the trade to and from the colonies tied up, almost to the exclusive advantage of the parent country. But laws which rendered the interest of a whole people subordinate to that of another people, were not likely to execute themselves; nor was it easy to find many on the spot, who could be depended upon for carrying them into execution. In fact, these laws were more or less evaded or resisted in all the colonies. To enforce them was the constant endeavor of the government at home; to prevent or elude their operation, the perpetual object here. "The laws of navigation," says a living British writer, "were nowhere so openly disobeyed and contemned, as in New England." "The people of Massachusetts Bay," he adds, "were from the first disposed to act as if independent of the mother country, and having a governor

and magistrates of their own choice, it was difficult to enforce any regulation which came from the English parliament, adverse to their interests." To provide more effectually for the execution of these laws, we know that courts of admiralty were afterward established by the crown, with power to try revenue causes, as questions of admiralty, upon the construction given by the crown lawyers to an act of parliament; a great departure from the ordinary principles of English jurisprudence, but which has been maintained, nevertheless, by the force of habit and precedent, and is adopted in our own existing systems of government.

"There lie," says another English writer, whose connection with the board of trade has enabled him to ascertain many facts connected with colonial history, "there lie among the documents in the office of the board of trade and state-papers, the most satisfactory proofs, from the epoch of the English revolution in 1688, throughout every reign, and during every administration, of the settled purpose of the colonies to acquire direct independence and positive sovereignty." Perhaps this may be stated somewhat too strongly; but it cannot be denied, that, from the very nature of the establishments here, and from the general character of the measures respecting their concerns early adopted and steadily pursued by the English government, a division of the empire was the natural and necessary result to which every thing tended.

I have dwelt on this topic, because it seems to me that the peculiar original character of the New England colonies, and certain causes coeval with their existence, have had a strong and decided influence on all their subsequent history, and especially on the great event of the revolution. Whoever would write our history, and would understand and explain early transactions, should comprehend the nature and force of the feeling which I have endeavored to describe. As a son, leaving the house of his father for his own, finds, by the order of

nature, and the very law of his being, nearer and dearer objects around which his affections circle, while his attachment to the parental roof becomes moderated, by degrees, to a composed regard and an affectionate remembrance; so our ancescestors, leaving their native land, not without some violence to the feelings of nature and affection, yet, in time, found here a new circle of engagements, interests, and affections; a feeling which more and more encroached upon the old, till an undivided sentiment, *that this was their country*, occupied the heart; and patriotism, shutting out from its embraces the parent realm, became *local* to America.

Some retrospect of the century which has now elapsed, is among the duties of the occasion. It must, however, necessarily be imperfect, to be compressed within the limits of a single discourse. I shall content myself, therefore, with taking notice of a few of the leading and most important occurrences which have distinguished the period.

When the first century closed, the progress of the country appeared to have been considerable; notwithstanding that, in comparison with its subsequent advancement, it now seems otherwise. A broad and lasting foundation had been laid; excellent institutions had been established; much of the prejudices of former times had been removed; a more liberal and catholic spirit on subjects of religious concern had begun to extend itself, and many things conspired to give promise of increasing future prosperity. Great men had arisen in public life, and the liberal professions. The Mathers, father and son, were then sinking low in the western horizon; Leverett, the learned, the accomplished, the excellent Leverett, was about to withdraw his brilliant and useful light. In Pemberton, great hopes had been suddenly extinguished, but Prince and Colman were in our sky; and the crepuscular light had begun to flash along the east, of a great luminary which was about to appear,

and which was to stamp the age with his own name, as the age of Franklin.

The bloody Indian wars, which harassed the people for a part of the first century; the restrictions on the trade of the colonies, added to the discouragements inherently belonging to all forms of colonial government; the distance from Europe, and the small hope of immediate profit to adventurers, are among the causes which had contributed to retard the progress of population. Perhaps it may be added, also, that during the period of the civil wars in England, and the reign of Cromwell, many persons, whose religious opinions and religious temper might, under other circumstances, have induced them to join the New England colonists, found reasons to remain in England; either on account of active occupation in the scenes which were passing, or of an anticipation of the enjoyment, in their own country, of a form of government, civil and religious, accommodated to their views and principles. The violent measures, too, pursued against the colonies in the reign of Charles the Second, the mockery of a trial, and the forfeiture of the charters, were serious evils. And during the open violences of the short reign of James the Second, and the tyranny of Andros, as the venerable historian of Connecticut observes, "All the motives to great actions, to industry, economy, enterprise, wealth, and population, were in a manner annihilated. A general inactivity and languishment pervaded the public body. Liberty, property, and everything which ought to be dear to men, every day grew more and more insecure."

With the revolution in England, a better prospect had opened on this country, as well as on that. The joy had been as great at that event, and far more universal, in New than in Old England. A new charter had been granted to Massachusetts, which, although it did not confirm to her inhabitants all their former privileges, yet relieved them from great evils and embarrassments, and promised future security. More than all,

perhaps, the revolution in England had done good to the general cause of liberty and justice. A blow had been struck in favor of the rights and liberties, not of England alone, but of descendants and kinsmen of England all over the world. Great political truths had been established. The champions of liberty had been successful in a fearful and perilous conflict. Somers, and Cavendish, and Jekyl, and Howard, had triumphed in one of the most noble causes ever undertaken by men. A revolution had been made upon principle. A monarch had been dethroned for violating the original compact between king and people. The rights of the people to partake in the government, and to limit the monarch by fundamental rules of government, had been maintained ; and however unjust the government of England might afterwards be towards other governments or towards her colonies, she had ceased to be governed herself by the arbitrary maxims of the Stuarts.

New England had submitted to the violence of James the Second not longer than Old England. Not only was it reserved to Massachusetts, that on her soil should be acted the first scene of that great revolutionary drama, which was to take place near a century afterwards, but the English revolution itself, as far as the colonies were concerned, commenced in Boston. A direct and forcible resistance to the authority of James the Second, was the seizure and imprisonment of Andros, in April, 1689. The pulse of liberty beat as high in the extremities as at the heart. The vigorous feeling of the colony burst out before it was known how the parent country would finally conduct herself. The king's representative, Sir Edmund Andros, was a prisoner in the castle at Boston, before it was or could be known that the king himself had ceased to exercise his full dominion on the English throne.

Before it was known here whether the invasion of the Prince of Orange would or could prove successful, as soon only as it was known that it had been undertaken, the people of Massachu-

setts, at the imminent hazard of their lives and fortunes, had accomplished the revolution as far as respected themselves. It is probable that, reasoning on general principles and the known attachment of the English people to their constitution and liberties, and their deep and fixed dislike of the king's religion and politics, the people of New England expected a catastrophe fatal to the power of the reigning prince. Yet it was neither certain enough, nor near enough, to come to their aid against the authority of the crown, in that crisis which had arrived, and in which they trusted to put themselves, relying on God and their own courage. There were spirits in Massachusetts congenial with the spirits of the distinguished friends of the revolution in England. There were those who were fit to associate with the boldest asserters of civil liberty; and Mather himself, then in England, was not unworthy to be ranked with those sons of the church, whose firmness and spirit in resisting kingly encroachments in matters of religion, entitled them to the gratitude of their own and succeeding ages.

The second century opened upon New England under circumstances which evinced that much had already been accomplished, and that still better prospects and brighter hopes were before her. She had laid, deep and strong, the foundations of her society. Her religious principles were firm, and her moral habits exemplary. Her public schools had begun to diffuse widely the elements of knowledge; and the college, under the excellent and acceptable administration of Leverett, had been raised to a high degree of credit and usefulness.

The commercial character of the country, notwithstanding all discouragements, had begun to display itself, and *five hundred vessels*, then belonging to Massachusetts, placed her, in relation to commerce, thus early at the head of the colonies. An author who wrote very near the close of the first century, says: "New England is almost deserving that *noble name*, so mightily hath it increased; and from a small settlement at

first, is now become a *very populous* and *flourishing* government. The *capital city*, Boston, is a place of *great wealth and trade;* and by much the largest of any in the English empire of America; and not exceeded but by few cities, perhaps two or three, in all the American world."

But if our ancestors at the close of the first century could look back with joy, and even admiration, at the progress of the country, what emotions must we not feel, when, from the point on which we stand, we also look back and run along the events of the century which has now closed! The country which then, as we have seen, was thought deserving of a "noble name,"—which then had "mightily increased," and become "very populous,"—what was it, in comparison with what our eyes behold it? At that period, a very great proportion of its inhabitants lived in the eastern section of Massachusetts proper, and in this colony. In Connecticut, there were towns along the coast, some of them respectable, but in the interior all was a wilderness beyond Hartford. On Connecticut river, settlements had proceeded as far up as Deerfield, and Fort Dummer had been built near where is now the south line of New Hampshire. In New Hampshire no settlement was then begun thirty miles from the mouth of Piscataqua river, and in what is now Maine, the inhabitants were confined to the coast. The aggregate of the whole population of New England did not exceed one hundred and sixty thousand. Its present amount is probably one million seven hundred thousand. Instead of being confined to its former limits, her population has rolled backward, and filled up the spaces included within her actual local boundaries. Not this only, but it has overflowed those boundaries, and the waves of emigration have pressed farther and farther towards the west. The Alleghany has not checked it; the banks of the Ohio have been covered with it. New England farms, houses, villages, and churches spread over and adorn the immense extent from the Ohio to

Lake Erie, and stretch along from the Alleghany onwards, beyond the Miamis, and towards the Falls of St. Anthony. Two thousand miles westward from the rock where their fathers landed, may now be found the sons of the Pilgrims, cultivating smiling fields, rearing towns and villages, and cherishing, we trust, the patrimonial blessings of wise institutions, of liberty, and religion. The world has seen nothing like this. Regions large enough to be empires, and which, half a century ago, were known only as remote and unexplored wildernesses, are now teeming with population, and prosperous in all the great concerns of life; in good governments, the means of subsistence, and social happiness. It may be safely asserted, that there are now more than a million of people, descendants of New England ancestry, living, free and happy, in regions which hardly sixty years ago were tracts of unpenetrated forest. Nor do rivers, or mountains, or seas resist the progress of industry and enterprise. Ere long, the sons of the Pilgrims will be on the shores of the Pacific. The imagination hardly keeps up with the progress of population, improvement, and civilization.

It is now five-and-forty years since the growth and rising glory of America were portrayed in the English parliament, with inimitable beauty, by the most consummate orator of modern times. Going back somewhat more than half a century, and describing our progress as foreseen from that point by his amiable friend, Lord Bathurst, then living, he spoke of the wonderful progress which America had made during the period of a single human life. There is no American heart, I imagine, that does not glow, both with conscious, patriotic pride, and admiration for one of the happiest efforts of eloquence, so often as the vision of "that little speck, scarce visible in the mass of national interest, a small seminal principle, rather than a formed body," and the progress of its astonishing development and growth, are recalled to the recollection. But a stronger

feeling might be produced, if we were able to take up this prophetic description where he left it, and, placing ourselves at the point of time in which he was speaking, to set forth with equal felicity the subsequent progress of the country. There is yet among the living a most distinguished and venerable name, a descendant of the Pilgrims; one who has been attended through life by a great and fortunate genius; a man illustrious by his own great merits, and favored of Heaven in the long continuation of his years.* The time when the English orator was thus speaking of America preceded but by a few days the actual opening of the revolutionary drama at Lexington. He to whom I have alluded, then at the age of forty, was among the most zealous and able defenders of the violated rights of his country. He seemed already to have filled a full measure of public service, and attained an honorable fame. The moment was full of difficulty and danger, and big with events of immeasurable importance. The country was on the very brink of a civil war, of which no man could foretell the duration or the result. Something more than a courageous hope, or characteristic ardor, would have been necessary to impress the glorious prospect on his belief, if, at that moment, before the sound of the first shock of actual war had reached his ears, some attendant spirit had opened to him the vision of the future;—if it had said to him, "The blow is struck, and America is severed from England forever!"—if it had informed him, that he himself, within the next annual revolution of the sun, should put his own hand to the great instrument of independence, and write his name where all nations should behold it, and all time should not efface it; that ere long he himself should maintain the interests and represent the sovereignty of his new-born country in the proudest courts of Europe; that he should one day exercise her supreme magistracy; that he should yet live to behold ten millions of fellow-citizens paying him

*John Adams.

the homage of their deepest gratitude and kindest affections; that he should see distinguished talent and high public trust resting where his name rested; that he should even see with his own unclouded eyes the close of the second century of New England, he who had begun life almost with its commencement, and lived through nearly half the whole history of his country; and that on the morning of this auspicious day he should be found in the political councils of his native state, revising, by the light of experience, that system of government which forty years before he had assisted to frame and establish; and, great and happy as he should then behold his country, there should be nothing in prospect to cloud the scene, nothing to check the ardor of that confident and patriotic hope which should glow in his bosom to the end of his long protracted and happy life.

It would far exceed the limits of this discourse even to mention the principal events in the civil and political history of New England during the century; the more so, as for the last half of the period that history has been, most happily, closely interwoven with the general history of the United States. New England bore an honorable part in the wars which took place between England and France. The capture of Louisburg gave her a character for military achievement; and in the war which terminated with the peace of 1763, her exertions on the frontiers were of most essential service, as well to the mother country as to all the colonies.

In New England the war of the revolution commenced. I address those who remember the memorable 19th of April, 1775; who shortly after saw the burning spires of Charlestown; who beheld the deeds of Prescott, and heard the voice of Putnam amidst the storm of war, and saw the generous Warren fall, the first distinguished victim in the cause of liberty. It would be superfluous to say, that no portion of the country did more than the states of New England to bring the rev-

olutionary struggle to a successful issue. It is scarcely less to her credit, that she saw early the necessity of a closer union of the states, and gave an efficient and indispensable aid to the establishment and organization of the federal government.

Perhaps we might safely say, that a new spirit and a new excitement began to exist here about the middle of the last century. To whatever causes it may be imputed, there seems then to have commenced a more rapid improvement. The colonies had attracted more of the attention of the mother country, and some renown in arms had been acquired. Lord Chatham was the first English minister who attached high importance to these possessions of the crown, and who foresaw anything of their future growth and extension. His opinion was, that the great rival of England was chiefly to be feared as a maritime and commercial power, and to drive her out of North America and deprive her of her West Indian possessions was a leading object in his policy. He dwelt often on the fisheries, as nurseries for British seamen, and the colonial trade, as furnishing them employment. The war, conducted by him with so much vigor, terminated in a peace, by which Canada was ceded to England. The effect of this was immediately visible in the New England colonies; for, the fear of Indian hostilities on the frontiers being now happily removed, settlements went on with an activity before that time altogether unprecedented, and public affairs wore a new and encouraging aspect. Shortly after this fortunate termination of the French war, the interesting topics connected with the taxation of America by the British parliament began to be discussed, and the attention and all the faculties of the people drawn towards them.

There is perhaps no portion of our history more full of interest than the period from 1760 to the actual commencement of the war. The progress of opinion in this period, though

less known, is not less important than the progress of arms afterward. Nothing deserves more consideration than those events and discussions which affected the public sentiment and settled the revolution in men's minds, before hostilities openly broke out.

Internal improvement followed the establishment and prosperous commencement of the present government. More has been done for roads, canals, and other public works, within the last thirty years, than in all our former history. In the first of these particulars, few countries excel the New England states. The astonishing increase of their navigation and trade is known to every one, and now belongs to the history of our national wealth.

We may flatter ouselves, too, that literature and taste have not been stationary, and that some advancement has been made in the elegant, as well as in the useful arts.

The nature and constitution of society and government in this country are interesting topics, to which I would devote what remains of the time allowed to this occasion. Of our system of government the first thing to be said is, that it is really and practically a free system. It originates entirely with the people, and rests on no other foundation than their assent. To judge of its actual operation, it is not enough to look merely at the form of its construction. The practical character of government depends often on a variety of considerations, besides the abstract frame of its constitutional organization. Among these are the condition and tenure of property; the laws regulating its alienation and descent; the presence or absence of a military power; an armed or unarmed yeomanry; the spirit of the age, and the degree of general intelligence. In these respects it cannot be denied that the circumstances of this country are most favorable to the hope of maintaining the government of a great nation on principles entirely popular. In the absence of military power, the nature of government must

essentially depend on the manner in which property is holden and distributed. There is a natural influence belonging to property, whether it exists in many hands or few; and it is on the rights of property that both despotism and unrestrained popular violence ordinarily commence their attack. Our ancestors began their system of government here under a condition of comparative equality in regard to wealth, and their early laws were of a nature to favor and continue this equality. A republican form of government rests not more on political constitutions, than on those laws which regulate the descent and transmission of property. Governments like ours could not have been maintained, where property was holden according to the principles of the feudal system; nor, on the other hand, could the feudal constitution possibly exist with us. Our New England ancestors brought hither no great capitals from Europe; and if they had, there was nothing productive in which they could have been invested. They left behind them the whole feudal policy of the other continent. They broke away at once from the system of military service established in the dark ages, and which continues, down even to the present time, more or less to affect the condition of property all over Europe. They came to a new country. There were, as yet, no lands yielding rent, and no tenants rendering service. The whole soil was unreclaimed from barbarism. They were themselves, either from their original condition, or from the necessity of their common interest, nearly on a general level in respect to property. Their situation demanded a parceling out and division of the lands, and it may be fairly said, that this necessary act *fixed the future frame and form of their government.* The character of their political institutions was determined by the fundamental laws respecting property. The laws rendered estates divisible among sons and daughters. The right of primogeniture, at first limited and curtailed, was afterward abolished. The property was all freehold. The

entailment of estates, long trusts, and the other processes for fettering and tying up inheritances, were not applicable to the condition of society, and seldom made use of. On the contrary, alienation of the land was every way facilitated, even to the subjecting of it to every species of debt. The establishment of public registries, and the simplicity of our forms of conveyance, have greatly facilitated the change of real estate from one proprietor to another. The consequence of all these causes has been, a great subdivision of the soil, and a great equality of condition; the true basis, most certainly, of a popular government. "If the people," says Harrington, "hold three parts in four of the territory, it is plain there can neither be any single person nor nobility able to dispute the government with them; in this case, therefore, *except force be interposed*, they govern themselves."

The history of other nations may teach us how favorable to public liberty are the division of the soil into small freeholds, and a system of laws, of which the tendency is, without violence or injustice, to produce and to preserve a degree of equality of property. It has been estimated, if I mistake not, that about the time of Henry VII., four-fifths of the land in England was holden by the great barons and ecclesiastics. The effects of a growing commerce soon afterward began to break in on this state of things, and before the revolution, in 1688, a vast change had been wrought. It may be thought probable, that, for the last half-century, the process of subdivision in England has been retarded, if not reversed; that the great weight of taxation has compelled many of the lesser freeholders to dispose of their estates, and to seek employment in the army and navy, in the professions of civil life, in commerce, or in the colonies. The effect of this on the British constitution cannot but be most unfavorable. A few large estates grow larger; but the number of those who have no estates also increases; and there may be danger, lest the inequality of

property become so great, that those who possess it may be dispossessed by force; in other words, that the government may be overturned.

A most interesting experiment of the effect of a subdivision of property on government is now making in France. It is understood, that the law regulating the transmission of property in that country, now divides it, real and personal, among all the children equally, both sons and daughters; and that there is, also, a very great restraint on the power of making dispositions of property by will. It has been supposed, that the effect of this might probably be, in time, to break up the soil into such small subdivisions, that the proprietors would be too poor to resist the encroachments of executive power. I think far otherwise. What is lost in individual wealth will be more than gained in numbers, in intelligence, and in a sympathy of sentiment. If, indeed, only one or a few landholders were to resist the crown, like the barons of England, they must, of course, be great and powerful landholders, with multitudes of retainers, to promise success. But if the proprietors of a given extent of territory are summoned to resistance, there is no reason to believe that such resistance would be less forcible, or less successful, because the number of such proprietors should be great. Each would perceive his own importance, and his own interest, and would feel that natural elevation of character which the consciousness of property inspires. A common sentiment would unite all, and numbers would not only add strength, but excite enthusiasm. It is true, that France possesses a vast military force, under the direction of an hereditary executive government; and military power, it is possible, may overthrow any government. It is in vain, however, in this period of the world, to look for security against military power to the arm of the great landholders. That notion is derived from a state of things long since passed; a state in which a feudal baron, with his retainers, might stand against the sover-

eign, who was himself the greatest baron, and his retainers. But at present, what could the richest landholder do, against one regiment of disciplined troops? Other securities, therefore, against the prevalence of military power must be provided. Happily for us, we are not so situated as that any purpose of national defense requires, ordinarily and constantly, such a military force as might seriously endanger our liberties.

In respect, however, to the recent law of succession in France, to which I have alluded, I would, presumptuously perhaps, hazard a conjecture, that, if the government do not change the law, the law in half a century will change the government; and that this change will be, not in favor of the power of the crown, as some European writers have supposed, but against it. Those writers only reason upon what they think correct general principles, in relation to this subject. They acknowledge a want of experience. Here we have had that experience; and we know that a multitude of small proprietors, acting with intelligence, and that enthusiasm which a common cause inspires, constitute not only a formidable, but an invincible power.

The true principle of a free and popular government would seem to be, so to construct it as to give to all, or at least to a very great majority, an interest in its preservation; to found it, as other things are founded, on men's interest. The stability of government requires that those who desire its continuance should be more powerful than those who desire its dissolution. This power, of course, is not always to be measured by mere numbers. Education, wealth, talents, are all parts and elements of the general aggregate of power; but numbers, nevertheless, constitute ordinarily the most important consideration, unless, indeed, there be *a military force* in the hands of the few, by which they can control the many. In this country we have actually existing systems of government, in the maintenance of which, it should seem, a great majority, both in numbers and in other means of power and influence, must

see their interest. But this state of things is not brought about solely by written political constitutions, or the mere manner of organizing the government; but also by the laws which regulate the descent and transmission of property. The freest government, if it could exist, would not be long acceptable, if the tendency of the laws were to create a rapid accumulation of property in few hands, and to render the great mass of the population dependent and penniless. In such a case, the popular power would be likely to break in upon the rights of property, or else the influence of property to limit and control the exercise of popular power. Universal suffrage, for example, could not long exist in a community where there was great inequality of property. The holders of estates would be obliged, in such case, either in some way to restrain the right of suffrage, or else such right of suffrage would soon divide the property. In the nature of things, those who have not property, and see their neighbors possess much more than they think them to need, cannot be favorable to laws made for the protection of property. When this class becomes numerous, it grows clamorous. It looks on property as its prey and plunder, and is naturally ready, at all times, for violence and revolution.

It would seem, then, to be the part of political wisdom to found government on property; and to establish such distribution of property, by the laws which regulate its transmission and alienation, as to interest the great majority of society in the support of the government. This is, I imagine, the true theory and actual practice of our republican institutions. With property divided as we have it, no other government than that of a republic could be maintained, even were we foolish enough to desire it. There is reason, therefore, to expect a long continuance of our system. Party and passion, doubtless, may prevail at times, and much temporary mischief be done. Even modes and forms may be changed, and perhaps for the worse. But a great revolution in regard to property must take place,

before our governments can be moved from their republican basis, unless they be violently struck off by military power. The people possess the property, more emphatically than it could ever be said of the people of any other country, and they can have no interest to overturn a government which protects that property by equal laws.

Let it not be supposed, that this state of things possesses too strong tendencies toward the production of a dead and uninteresting level in society. Such tendencies are sufficiently countenanced by the infinite diversities in the characters and fortunes of individuals. Talent, activity, industry, and enterprise tend at all times to produce inequality and distinction; and there is room still for the accumulation of wealth, with its great advantages, to all reasonable and useful extent. It has been often urged against the state of society in America, that it furnishes no class of men of fortune and leisure. This may be partly true, but it is not entirely so, and the evil, if it be one, would affect rather the progress of taste and literature, than the general prosperity of the people. But the promotion of taste and literature cannot be primary objects of political institutions; and if they could, it might be doubted whether, in the long course of things, as much is not gained by a wide diffusion of general knowledge, as is lost by abridging the number of those whom fortune and leisure enable to devote themselves exclusively to scientific and literary pursuits. However this may be, it is to be considered that it is the spirit of our system to be equal and general, and if there be particular disadvantages incident to this, they are far more than counterbalanced by the benefits which weigh against them. The important concerns of society are generally conducted, in all countries, by the men of business and practical ability; and even in matters of taste and literature, the advantages of mere leisure are liable to be overrated. If there exist adequate means of education, and a love of letters be excited, that love will find

its way to the object of its desire, through the crowd and pressure of the most busy society.

Connected with this division of property, and the consequent participation of the great mass of people in its possession and enjoyments, is the system of representation, which is admirably accommodated to our condition, better understood among us, and more familiarly and extensively practiced, in the higher and in the lower departments of government, than it has been among any other people. Great facility has been given to this in New England by the early division of the country into townships or small districts, in which all concerns of local police are regulated, and in which representatives to the legislature are elected. Nothing can exceed the utility of these little bodies. They are so many councils or parliaments, in which common interests are discussed, and useful knowledge acquired and communicated.

The division of governments into departments, and the division, again, of the legislative department into two chambers, are essential provisions in our system. This last, although not new in itself, yet seems to be new in its application to governments wholly popular. The Grecian republics, it is plain, knew nothing of it; and in Rome, the check and balance of legislative power, such as it was, lay between the people and the senate. Indeed, few things are more difficult than to ascertain accurately the true nature and construction of the Roman commonwealth. The relative power of the senate and the people, the consuls and the tribunes, appear not to have been at all times the same, nor at any time accurately defined or strictly observed. Cicero, indeed, describes to us an admirable arrangement of political power, and a balance of the constitution, in that beautiful passage, in which he compares the democracies of Greece with the Roman commonwealth: "O morem preclarem, disciplinamque, quam a majoribus accepimus, si quidem teneremus! sed nescio quo pacto jam demanibus elabi-

tur. Nullam enim illi nostri sapientissimi et sanctissimi viri vim conscionis esse voluerunt, quæ scisseret plebs, aut quæ populus juberet; summota conscione, distributis partibus, tributim et centuriatim descriptis ordinibus, classibus, ætatibus, auditis auctoribus, re multos dies promulgata et cognita, juberi vetarique voluerunt. Græcorum autem totæ respublicæ sedentis conscionis temeritate administrantur."

But at what time this wise system existed in this perfection at Rome, no proofs remain to show. Her constitution, originally framed for a monarchy, never seemed to be adjusted in its several parts after the expulsion of the kings. Liberty there was, but it was a disputatious, an uncertain, an ill-secured liberty. The patrician and the plebeian orders, instead of being matched and joined, each in its just place and proportion, to sustain the fabric of the state, were rather like hostile powers, in perpetual conflict. With us, an attempt has been made, and so far not without success, to divide representation into chambers, and, by difference of age, character, qualification, or mode of election, to establish salutary checks, in governments altogether elective.

Having detained you so long with these observations, I must yet advert to another most interesting topic—the free schools. In this particular, New England may be allowed to claim, I think, a merit of a peculiar character. She early adopted, and has constantly maintained the principle, that it is the undoubted right and the bounden duty of government to provide for the instruction of all youth. That which is elsewhere left to chance or to charity, we secure by law. For the purpose of public instruction, we hold every man subject to taxation in proportion to his property, and we look not to the question, whether he himself have, or have not, children to be benefitted by the education for which he pays. We regard it as a wise and liberal system of police, by which property, and life, and the peace of society are secured. We seek to prevent in some measure

the extension of the penal code, by inspiring a salutary and conservative principle of virtue and of knowledge in an early age. We hope to excite a feeling of respectability, and a sense of character, by enlarging the capacity and increasing the sphere of intellectual enjoyment. By general instruction, we seek, as far as possible, to purify the whole moral atmosphere; to keep good sentiments uppermost, and to turn the strong current of feeling and opinion, as well as the censures of the law and the denunciations of religion, against immorality and crime. We hope for a security beyond the law, and above the law, in the prevalence of enlightened and well-principled moral sentiment. We hope to continue and prolong the time, when, in the villages and farm-houses of New England, there may be undisturbed sleep within unbarred doors. And knowing that our government rests directly on the public will, that we may preserve it, we endeavor to give a safe and proper direction to that public will. We do not, indeed, expect all men to be philosophers or statesmen; but we confidently trust, and our expectation of the duration of our system of government rests on that trust, that by the diffusion of general knowledge and good and virtuous sentiments, the political fabric may be secure, as well against open violence and overthrow, as against the slow, but sure, undermining of licentiousness.

We know that, at the present time, an attempt is making in the English parliament to provide by law for the education of the poor, and that a gentleman of distinguished character (Mr. Brougham) has taken the lead in presenting a plan to government for carrying that purpose into effect. And yet, although the representatives of the three kingdoms listened to him with astonishment as well as delight, we hear no principles with which we ourselves have not been familiar from youth; we see nothing in the plan but an approach toward that system which has been established in New England for more than a century and a half. It is said that in England not more than *one child*

in fifteen possesses the means of being taught to read and write; in Wales, *one in twenty;* in France, until lately, when some improvement has been made, not more than *one in thirty-five.* Now, it is hardly too strong to say, that in New England *every child possesses* such means. It would be difficult to find an instance to the contrary, unless where it should be owing to the negligence of the parent; and, in truth, the means are actually used and enjoyed by nearly every one. A youth of fifteen, of either sex, who cannot both read and write, is very unfrequently to be found. Who can make this comparison, or contemplate this spectacle, without delight and a feeling of just pride? Does any history show property more beneficently applied? Did any government ever subject the property of those who have estates to a burden, for a purpose more favorable to the poor, or more useful to the whole community?

A conviction of the importance of public instruction was one of the earliest sentiments of our ancestors. No lawgiver of ancient or modern times has expressed more just opinions, or adopted wiser measures, than the early records of the colony of Plymouth show to have prevailed here. Assembled on this very spot, a hundred and fifty-three years ago, the legislature of this colony declared, "Forasmuch as the maintenance of good literature doth much tend to the advancement of the weal and flourishing state of societies and republics, this court doth therefore order, that in whatever township in this government, consisting of fifty families or upwards, any meet man shall be obtained to teach a grammar-school, such township shall allow at least twelve pounds, to be raised by rate on all the inhabitants."

Having provided that all youth should be instructed in the elements of learning by the institution of free schools, our ancestors had yet another duty to perform. Men were to be educated for the professions and the public. For this purpose, they founded the university, and with incredible zeal and per-

severance, they cherished and supported it, through all trials and discouragements. On the subject of the university, it is not possible for a son of New England to think without pleasure, or to speak without emotion. Nothing confers more honor on the state where it is established, or more utility on the country at large. A respectable university is an establishment which must be the work of time. If pecuniary means were not wanting, no new institution could possess character and respectability at once. We owe deep obligation to our ancestors, who began, almost on the moment of their arrival, the work of building up this institution.

Although established in a different government, the colony of Plymouth manifested warm friendship for Harvard college. At an early period, its government took measures to promote a general subscription throughout all the towns in this colony, in aid of its small funds. Other colleges were subsequently founded and endowed, in other places, as the ability of the people allowed; and we may flatter ourselves that the means of education at present enjoyed in New England are not only adequate to the diffusion of the elements of knowledge among all classes, but sufficient, also, for respectable attainments in literature and the sciences.

Lastly, our ancestors founded their system of government on morality and religious sentiment. Moral habits, they believed, cannot safely be trusted on any other foundation than religious principle, nor any government be secure which is not supported by moral habits. Living under the heavenly light of revelation, they hoped to find all the social dispositions, all the duties which men owe to each other, and to society, enforced and performed. Whatever makes men good christians makes them good citizens. Our fathers came here to enjoy their religion free and unmolested; and, at the end of two centuries, there is nothing upon which we can pronounce more confidently, nothing of which we can express a more deep and

earnest conviction, than of the inestimable importance of that religion to man, both in regard to this life, and that which is to come.

If the blessings of our political and social condition have not been too highly estimated, we cannot well overrate the responsibility and duty which they impose upon us. We hold these institutions of government, religion, and learning, to be transmitted, as well as enjoyed. We are in the line of conveyance, through which whatever has been obtained by the spirit and efforts of our ancestors is to be communicated to our children.

We are bound to maintain public liberty, and, by the example of our own systems, to convince the world that order and law, religion and morality, the rights of conscience, the rights of persons, and the rights of property, may all be preserved and secured, in the most perfect manner, by a government entirely and purely elective. If we fail in this, our disaster will be signal, and will furnish an argument stronger than has yet been found, in support of those opinions which maintain that government can rest safely on nothing but power and coercion. As far as experience may show errors in our establishments, we are bound to correct them; and if any practices exist contrary to the principles of justice and humanity within the reach of our laws or our influence, we are inexcusable if we do not exert ourselves to restrain and abolish them.

I deem it my duty, on this occasion, to suggest that the land is not wholly free from the contamination of a traffic, at which every feeling of humanity must forever revolt,—I mean the African slave-trade. Neither public sentiment, nor the law, has hitherto been able entirely to put an end to this odious and abominable trade. At the moment when God in his mercy has blessed the christian world with a universal peace, there is reason to fear that, to the disgrace of the christian name and character, new efforts are making for the extension of this trade by subjects and citizens of christian states, in whose hearts

inhabits no sentiments of humanity or justice, and over whom neither the fear of God nor the fear of man exercises a control. In the sight of our law, the African slave-trader is a pirate and a felon; and in the sight of Heaven, an offender far beyond the ordinary depth of human guilt. There is no brighter part of our history, than that which records the measures which have been adopted by the government at an early day, and at different times since, for the suppression of this traffic; and I would call on all the true sons of New England to coöperate with the laws of man, and the justice of Heaven. If there be, within the extent of our knowledge or influence, any participation in this traffic, let us pledge ourselves here, upon the rock of Plymouth, to extirpate and destroy it. It is not fit that the land of the Pilgrims should bear the shame longer. I hear the sound of the hammer, I see the smoke of the furnaces where manacles and fetters are still forged for human limbs. I see the visages of those who by stealth and at midnight labor in this work of hell, foul and dark, as may become the artificers of such instruments of misery and torture. Let that spot be purified, or let it cease to be of New England. Let it be purified, or let it be set aside from the christian world; let it be put out of the circle of human sympathies and human regards, and let civilized man henceforth have no communion with it.

I would invoke those who fill the seats of justice, and all who minister at her altar, that they execute the wholesome and necessary severity of the law. I invoke the ministers of our religion, that they proclaim its denunciation of these crimes, and add its solemn sanctions to the authority of human laws. If the pulpit be silent whenever or wherever there may be a sinner bloody with this guilt within the hearing of its voice, the pulpit is false to its trust. I call on the fair merchant, who has reaped his harvest upon the seas, that he assist in scourging from those seas the worst pirates that ever infested them. That ocean, which seems to wave with a gentle magnificence to

waft the burden of an honest commerce, and to roll along its treasures with a conscious pride,—that ocean, which hardy industry regards, even when the winds have ruffled its surface, as a field of grateful toil,—what is it to the victim of this oppression, when he is brought to its shores, and looks forth upon it, for the first time, from beneath chains, and bleeding with stripes? What is it to him but a wide-spread prospect of suffering, anguish and death? Nor do the skies smile longer, nor is the air longer fragrant to him. The sun is cast down from heaven. An inhuman and accursed traffic has cut him off in his manhood, or in his youth, from every enjoyment belonging to his being, and every blessing which his Creator intended for him.

The christian communities send forth their emissaries of religion and letters, who stop, here and there, along the coast of the vast continent of Africa, and with painful and tedious efforts make some almost imperceptible progress in the communication of knowledge, and in the general improvement of the natives who are immediately about them. Not thus slow and imperceptible is the transmission of the vices and bad passions which the subjects of christian states carry to the land. The slave-trade having touched the coast, its influence and its evils spread, like a pestilence, over the whole continent, making savage wars more savage and more frequent, and adding new and fierce passions to the contests of barbarians.

I pursue this topic no further, except again to say, that all christendom, being now blessed with peace, is bound by everything which belongs to its character, and to the character of the present age, to put a stop to this inhuman and disgraceful traffic.

We are bound, not only to maintain the general principles of public liberty, but to support also those existing forms of government which have so well secured its enjoyment, and so highly promoted the public prosperity. It is now more than

thirty years since these states have been united under the federal constitution, and whatever fortune may await them hereafter, it is impossible that this period of their history should not be regarded as distinguished by signal prosperity and success. They must be sanguine indeed, who can hope for benefit from change. Whatever division of the public judgment may have existed in relation to particular measures of the government, all must agree, one should think, in the opinion, that in its general course it has been eminently productive of public happiness. Its most ardent friends could not well have hoped from it more than it has accomplished; and those who disbelieved or doubted ought to feel less concern about predictions which the event has not verified, than pleasure in the good which has been obtained. Whoever shall hereafter write this part of our history, although he may see occasional errors or defects, will be able to record no great failure in the ends and objects of government. Still less will he be able to record any series of lawless and despotic acts, or any successful usurpation. His page will contain no exhibition of provinces depopulated, of civil authority habitually trampled down by military power, or of a community crushed by the burden of taxation. He will speak, rather, of public liberty protected, and public happiness advanced; of increased revenue, and population augmented beyond all example; of the growth of commerce, manufactures, and the arts; and of that happy condition, in which the restraint and coercion of government are almost invisible and imperceptible, and its influence felt only in the benefits which it confers. We can entertain no better wish for our country, than that this government may be preserved; nor have we a clearer duty than to maintain and support it in the full exercise of all its just constitutional powers.

The cause of science and literature also imposes upon us an important and delicate trust. The wealth and population of the country are now so far advanced, as to authorize the ex-

pectation of a correct literature and a well formed taste, as well as respectable progress in the abstruse sciences. The country has risen from a state of colonial dependency; it has established an independent government, and is now in the undisturbed enjoyment of peace and political security. The elements of knowledge are universally diffused, and the reading portion of the community large. Let us hope that the present may be an auspicious era of literature. If, almost on the day of their landing, our ancestors founded schools and endowed colleges, what obligations do not rest upon us, living under circumstances so much more favorable both for providing and for using the means of education? Literature becomes free institutions. It is the graceful ornament of civil liberty, and a happy restraint on the asperities which political controversies sometimes occasion. Just taste is not only an embellishment of society, but it rises almost to the rank of the virtues, and diffuses positive good throughout the whole extent of its influence. There is a connection between right feeling and right principles, and truth in taste is allied with truth in morality. With nothing in our past history to discourage us, and with something in our present condition and prospects to animate us, let us hope, that, as it is our fortune to live in an age when we may behold a wonderful advancement of the country in all its other great interests, we may see also equal progress and success attend the cause of letters.

Finally, let us not forget the religious character of our origin. Our fathers were brought hither by their high veneration for the christian religion. They journeyed by its light, and labored in its hope. They sought to incorporate its principles with the elements of their society, and to diffuse its influence through all their institutions, civil, political, or literary. Let us cherish these sentiments, and extend this influence still more widely; in the full conviction, that that is the happiest society

which partakes in the highest degree of the mild and peaceful spirit of christianity.

The hours of this day are rapidly flying, and this occasion will soon be passed. Neither we nor our children can expect to behold its return. They are in the distant regions of futurity, they exist only in the all-creating power of God, who shall stand here a hundred years hence, to trace, through us, their descent from the Pilgrims, and to survey, as we have now surveyed, the progress of their country, during the lapse of a century. We would anticipate their concurrence with us in our sentiments of deep regard for our common ancestors. We would anticipate and partake the pleasure with which they will then recount the steps of New England's advancement. On the morning of that day, although it will not disturb us in our repose, the voice of acclamation and gratitude, commencing on the Rock of Plymouth, shall be transmitted through millions of the sons of the Pilgrims, till it lose itself in the murmurs of the Pacific seas.

We would leave for the consideration of those who shall then occupy our places, some proof that we hold the blessings transmitted from our fathers in just estimation; some proof of our attachment to the cause of good government, and of civil and religious liberty; some proof of a sincere and ardent desire to promote everything which may enlarge the understandings and improve the hearts of men. And when, from the long distance of an hundred years, they shall look back upon us, they shall know, at least, that we possessed affections, which, running backward and warming with gratitude for what our ancestors have done for our happiness, run forward also to our posterity, and meet them with cordial salutation, ere yet they have arrived on the shore of being.

Advance, then, ye future generations! We would hail you, as you rise in your long succession, to fill the places which we now fill, and to taste the blessings of existence where we are

passing, and soon shall have passed, our own human duration. We bid you welcome to this pleasant land of the fathers. We bid you welcome to the healthful skies and the verdant fields of New England. We greet your accession to the great inheritance which we have enjoyed. We welcome you to the blessings of good government and religious liberty. We welcome you to the treasures of science and the delights of learning. We welcome you to the transcendent sweets of domestic life, to the happiness of kindred and parents, and children. We welcome you to the immeasurable blessings of rational existence, the immortal hope of christianity, and the light of everlasting truth!

WEBSTER'S MASTER-PIECE

AS

A REPRESENTATIVE IN CONGRESS.

THE GREEK REVOLUTION.

INTRODUCTORY NOTE.

When the speech on the Greek Revolution was made, Mr. Webster was about *forty-two* years of age; and it was looked upon at home, as well as in Great Britain, as the ablest ever made up to that day in our house of representatives. It is not doubtful whether it has ever been exceeded there since.

THE GREEK REVOLUTION.

A SPEECH DELIVERED IN THE HOUSE OF REPRESENTATIVES, JANUARY 19TH, 1824.

I AM afraid, Mr. Chairman, that, so far as my part in this discussion is concerned, those expectations which the public excitement existing on the subject, and certain associations easily connected with it, have conspired to raise, may be disappointed. An occasion which calls the attention to a spot so distinguished, so connected with interesting recollections, as Greece, may naturally excite something of warmth and enthusiasm. In a grave political discussion, however, it is necessary that such feelings should be chastised. I shall endeavor properly to repress them, although it is impossible that they should be altogether extinguished. We must, indeed, fly beyond the civilized world; we must pass the dominion of law and the boundaries of knowledge; we must, more especially, withdraw ourselves from this place, and the scenes which here surround us—if we would separate ourselves altogether from the influence of all those memorials of herself which ancient Greece has transmitted for the admiration and the benefit of mankind. This free form of government, this popular assembly, the common council held for the common good, where have we contemplated its earliest models? This practice of free debate and public discussion, the contest of mind with mind, and that popular eloquence, which, if it were now here, on a subject like this, would move the stones of the capitol, whose was the language in which all these were first exhibited? Even the edifice in which we assemble, these proportioned columns, this ornamental architec-

ture, all remind us that Greece has existed, and that we, like the rest of mankind, are greatly her debtors. But I have not introduced this motion in the vain hope of discharging anything of this accumulated debt of centuries. I have not acted upon the expectation, that we, who have inherited this obligation from our ancestors, should now attempt to pay it to those who may seem to have inherited from *their* ancestors a right to receive payment. My object is nearer and more immediate. I wish to take occasion of the struggle of an interesting and gallant people, in the cause of liberty and christianity, to draw the attention of the house to the circumstances which have accompanied that struggle, and to the principles which appear to have governed the conduct of the great states of Europe in regard to it; and to the effects and consequences of these principles upon the independence of nations, and especially upon the institutions of free governments. What I have to say of Greece, therefore, concerns the modern, not the ancient; the living, and not the dead. It regards her, not as she exists in history, triumphant over time, and tyranny, and ignorance; but as she now is, contending against fearful odds, for being, and for the common privilege of human nature.

As it is never difficult to recite commonplace remarks and trite aphorisms, so it may be easy, I am aware, on this occasion, to remind me of the wisdom which dictates to men a care of their own affairs, and admonishes them, instead of searching for adventures abroad, to leave other men's concerns in their own hands. It may be easy to call this resolution *Quixotic*, the emanation of a crusading or propagandist spirit. All this, and more, may be readily said; but all this, and more, will not be allowed to fix a character upon this proceeding, until that is proved which it takes for granted. Let it first be shown, that in this question there is nothing which can affect the interest, the character, or the duty of this country. Let it be proved, that we are not called upon, by either of these considerations,

to express an opinion on the subject to which the resolution relates.* Let this be proved, and then it will indeed be made out, that neither ought this resolution to pass, nor ought the subject of it to have been mentioned in the communication of the president to us. But, in my opinion, this cannot be shown. In my judgment, the subject is interesting to the people and the government of this country, and we are called upon, by considerations of great weight and moment, to express our opinions upon it. These considerations, I think, spring from a sense of our own duty, our character, and our own interest. I wish to treat the subject on such grounds, exclusively, as are truly *American;* but then, in considering it as an American question, I cannot forget the age in which we live, the prevailing spirit of the age, the interesting questions which agitate it, and our own peculiar relation in regard to these interesting questions. Let this be, then, and as far as I am concerned I hope it will be, purely an American discussion; let it embrace, nevertheless, everything that fairly concerns America. Let it comprehend, not merely her present advantage, but her permanent interest, her elevated character as one of the free states of the world, and her duty toward those great principles which have hitherto maintained the relative independence of nations, and which have, more especially, made her what she is.

At the commencement of the session, the president, in the discharge of the high duties of his office, called our attention to the subject to which this resolution refers. "A strong hope," says that communication, "has been long entertained, founded on the heroic struggle of the Greeks, that they would succeed in their contest, and resume their equal station among the nations of the earth. It is believed that the whole civilized world

* The following is the resolution referred to:

"*Resolved*, That provision ought to be made, by law, for defraying the expense incident to the appointment of an agent or commissioner to Greece, whenever the president shall deem it expedient to make such appointment."

takes a deep interest in their welfare. Although no power has declared in their favor, yet none, according to our information, has taken part against them. Their cause and their name have protected them from dangers which might ere this have overwhelmed any other people. The ordinary calculations of interest, and of acquisition with a view to aggrandizement, which mingle so much in the transactions of nations, seem to have had no effect in regard to them. From the facts which have come to our knowledge, there is good cause to believe that their enemy has lost forever all dominion over them; that Greece will become again an independent nation."

It has appeared to me that the house should adopt some resolution reciprocating these sentiments, so far as it shall approve them. More than twenty years have elapsed since congress first ceased to receive such a communication from the president as could properly be made the subject of a general answer. I do not mean to find fault with this relinquishment of a former and an ancient practice. It may have been attended with inconveniences which justified its abolition. But, certainly, there was one advantage belonging to it; and that is, that it furnished a fit opportunity for the expression of the opinion of the houses of congress upon those topics in the executive communication which were not expected to be made the immediate subjects of direct legislation. Since, therefore, the president's message does not now receive a general answer, it has seemed to me to be proper that, in some mode, agreeable to our own usual form of proceeding, we should express our sentiments upon the important and interesting topics on which it treats.

If the sentiments of the message in respect to Greece be proper, it is equally proper that this house should reciprocate those sentiments. The present resolution is designed to have that extent, and no more. If it pass, it will leave any future proceeding where it now is, in the discretion of the executive government. It is but an expression, under those forms in

which the house is accustomed to act, of the satisfaction of the house with the general sentiments expressed in regard to this subject in the message, and of its readiness to defray the expense incident to any inquiry for the purpose of further information, or any other agency which the president, in his discretion, shall see fit, in whatever manner and at whatever time, to institute. The whole matter is still left in his judgment, and this resolution can in no way restrain its unlimited exercise.

I might well, Mr. Chairman, avoid the responsibility of this measure, if it had, in my judgment, any tendency to change the policy of the country. With the general course of that policy I am quite satisfied. The nation is properous, peaceful, and happy; and I should very reluctantly put its peace, prosperity, or happiness at risk. It appears to me, however, that this resolution is strictly conformable to our general policy, and not only consistent with our interests, but even demanded by a large and liberal view of those interests.

It is certainly true that the just policy of this country is, in the first place, a peaceful policy. No nation ever had less to expect from forcible aggrandizement. The mighty agents which are working out our greatness are time, industry, and the arts. Our augmentation is by growth, not by acquisition; by internal development, not by external accession. No schemes can be suggested to us so magnificent as the prospect which a sober contemplation of our own condition, unaided by projects, uninfluenced by ambition, fairly spreads before us. A country of such vast extent, with such varieties of soil and climate, with so much public spirit and private enterprise, with a population increasing so much beyond former example, with capacities of improvement not only unapplied or unexhausted, but even, in a great measure, as yet unexplored; so free in its institutions, so mild in its laws, so secure in the title it confers on every man to his own acquisitions; needs nothing but

time and peace to carry it forward to almost any point of advancement.

In the next place, I take it for granted that the policy of this country, springing from the nature of our government and the spirit of all our institutions, is, so far as it respects the interesting questions which agitate the present age, on the side of liberal and enlightened sentiments. The age is extraordinary; the spirit that actuates it is peculiar and marked; and our own relation to the times we live in, and to the questions which interest them, is equally marked and peculiar. We are placed, by our good fortune and the wisdom and valor of our ancestors, in a condition in which we *can* act no obscure part. Be it for honor, or be it for dishonor, whatever we do is not likely to escape the observation of the world. As one of the free states among the nations, as a great and rapidly rising republic, it would be impossible for us, if we were so disposed, to prevent our principles, our sentiments, and our example from producing some effect upon the opinions and hopes of society throughout the civilized world. It rests probably with ourselves to determine whether the influence of these shall be salutary or pernicious.

It cannot be denied that the great political question of this age is that between absolute and regulated governments. The substance of the controversy is whether society shall have any part in its own government. Whether the form of government shall be that of limited monarchy, with more or less mixture of hereditary power, or wholly elective or representative, may perhaps be considered as subordinate. The main controversy is between that absolute rule, which, while it promises to govern well, means, nevertheless, to govern without control, and that regulated or constitutional system which restrains sovereign discretion, and asserts that society may claim as matter of right some effective power in the establishment of the laws which are to regulate it. The spirit of the times sets with a

most powerful current in favor of these last-mentioned opinions. It is opposed, however, whenever and wherever it shows itself, by certain of the great potentates of Europe; and it is opposed on grounds as applicable in one civilized nation as in another, and which would justify such opposition in relation to the United States, as well as in relation to any other state or nation, if time and circumstance should render such opposition expedient.

What part it becomes this country to take on a question of this sort, so far as it is called upon to take any part, cannot be doubtful. Our side of this question is settled for us, even without our own volition. Our history, our situation, our character, necessarily decide our position and our course, before we have even time to ask whether we have an option. Our place is on the side of free institutions. From the earliest settlement of these states, their inhabitants were accustomed, in a greater or less degree, to the enjoyment of the powers of self-government; and for the last half-century they have sustained systems of government entirely representative, yielding to themselves the greatest possible prosperity, and not leaving them without distinction and respect among the nations of the earth. This system we are not likely to abandon; and while we shall no farther recommend its adoption to other nations, in whole or in part, than it may recommend itself by its visible influence on our own growth and prosperity, we are, nevertheless, interested to resist the establishment of doctrines which deny the legality of its foundations. We stand as an equal among nations, claiming the full benefit of the established international law; and it is our duty to oppose, from the earliest to the latest moment, any innovations upon that code which shall bring into doubt or question our own equal and independent rights.

I will now, Mr. Chairman, advert to those pretensions put forth by the allied sovereigns of continental Europe, which seem to me calculated, if unresisted, to bring into disrepute the prin-

ciples of our government, and, indeed, to be wholly incompatible with any degree of national independence. I do not introduce these considerations for the sake of topics. I am not about to declaim against crowned heads, nor to quarrel with any country for preferring a form of government different from our own. The power of choice that we exercise for ourselves, I am quite willing to leave also to others. But it appears to me that the pretensions of which I have spoken are wholly inconsistent with the independence of nations generally, without regard to the question whether their governments be absolute, monarchical and limited, or purely popular and representative. I have a most deep and thorough conviction, that a new era has arisen in the world, that new and dangerous combinations are taking place, promulgating doctrines and fraught with consequences wholly subversive in their tendency of the public law of nations and of the general liberties of mankind. Whether this be so, or not, is the question which I now propose to examine, upon such grounds of information as the common and public means of knowledge disclose.

Everybody knows that, since the final restoration of the Bourbons to the throne of France, the continental powers have entered into sundry alliances, which have been made public, and have held several meetings or congresses, at which the principles of their political conduct have been declared. These things must necessarily have an effect upon the international law of the states of the world. If that effect be good, and according to the principles of that law, they deserve to be applauded. If, on the contrary, their effect and tendency be most dangerous, their principles wholly inadmissible, their pretensions such as would abolish every degree of national independence, then they are to be resisted.

I begin, Mr. Chairman, by drawing your attention to the treaty concluded at Paris in September, 1815, between Russia, Prussia, and Austria, commonly called the Holy Alliance. This

singular alliance appears to have originated with the emperor of Russia; for we are informed that a draft of it was exhibited by him, personally, to a plenipotentiary of one of the great powers of Europe, before it was presented to the other sovereigns who ultimately signed it. This instrument professes nothing, certainly, which is not extremely commendable and praiseworthy. It promises only that the contracting parties, both in relation to other states, and in regard to their own subjects, will observe the rules of justice and christianity. In confirmation of these promises, it makes the most solemn and devout religious invocations. Now, although such an alliance is a novelty in European history, the world seems to have received this treaty, upon its first promulgation, with general charity. It was commonly understood as little or nothing more than an expression of thanks for the successful termination of the momentous contest in which those sovereigns had been engaged. It still seems somewhat unaccountable, however, that these good resolutions should require to be confirmed by treaty. Who doubted that these august sovereigns would treat each other with justice, and rule their own subjects in mercy? And what necessity was there for a solemn stipulation by treaty, to insure the performance of that which is no more than the ordinary duty of every government? It would hardly be admitted by these sovereigns, that by this compact they suppose themselves bound to introduce an entire change, or any change, in the course of their own conduct. Nothing substantially new, certainly, can be supposed to have been intended. What principle, or what practice, therefore, called for this solemn declaration of the intention of the parties to observe the rules of religion and justice?

It is not a little remarkable, that a writer of reputation upon the public law, described, many years ago, not inaccurately, the character of this alliance. I allude to Puffendorf. "It seems useless," says he, "to frame any pacts or leagues, barely for the

defense and support of universal peace; for by such a league nothing is superadded to the obligation of natural law, and no agreement is made for the performance of anything which the parties were not previously bound to perform; nor is the original obligation rendered firmer or stronger by such an addition. Men of any tolerable culture and civilization might well be ashamed of entering into any such compact, the conditions of which imply only that the parties concerned shall not offend in any clear point of duty. Besides, we should be guilty of great irreverence towards God, should we suppose that his injunctions had not already laid a sufficient obligation upon us to act justly, unless we ourselves voluntarily consented to the same engagement; as if our obligation to obey his will depended upon our own pleasure. If one engage to serve another, he does not set it down expressly and particularly among the terms and conditions of the bargain, that he will not betray nor murder him, nor pillage nor burn his house. For the same reason, that would be a dishonorable engagement, in which men should bind themselves to act properly and decently, and not break the peace."

Such were the sentiments of that eminent writer. How nearly he had anticipated the case of the Holy Alliance will appear from comparing his observations with the preamble to that alliance, which is as follows:

"In the name of the most holy and indivisible Trinity, their majesties the emperor of Austria, the king of Prussia, and the emperor of Russia,"—"solemnly declare that the present act has no other object than to publish, in the face of the whole world, their fixed resolution, both in the administration of their respective states, and in their political relations with every other government, to take for their sole guide the precepts of that holy religion, namely, the precepts of justice, christianity, charity, and peace, which, far from being applicable only to private concerns, must have an immediate influence on the councils of

princes, and guide all their steps, as being the only means of consolidating human institutions, and remedying their imperfections."

This measure, however, appears principally important, as it was the first of a series, and was followed afterward by others of a more direct and practical nature. These measures, taken together, profess to establish two principles, which the Allied Powers would institute as a part of the law of the civilized world; and the enforcement of which is to be effected by a million and a half of bayonets.

The first of these principles is, that all popular or constitutional rights are holden no otherwise than as grants from the crown. Society, upon this principle, has no rights of its own; it takes good government, when it gets it, as a boon and a concession, but can demand nothing. It is to live in that favor which emanates from royal authority, and if it have the misfortune to lose that favor, there is nothing to protect it against any degree of injustice and oppression. It can rightfully make no endeavor for a change, by itself; its whole privilege is to receive the favors that may be dispensed by the sovereign power, and all its duty is described in the single word, *submission.* This is the plain result of the principal continental state papers; indeed, it is nearly the identical text of some of them.

The Laybach circular of May, 1821, alleges, "that useful and necessary changes in legislation and administration ought only to emanate from the free will and intelligent conviction of those whom God has rendered responsible for power. All that deviates from this line necessarily leads to disorder, commotions, and evils far more insufferable than those which they pretend to remedy." Now, sir, this principle would carry Europe back again, at once, into the middle of the dark ages. It is the old doctrine of the divine right of kings, advanced now by new advocates, and sustained by a formidable mass of power. That the people hold their fundamental privileges as

matter of concession or indulgence from the sovereign power, is a sentiment not easy diffused in this age, any farther than it is enforced by the direct operation of military means. It is true, certainly, that some six centuries ago the early founders of English liberty called the instrument which secured their rights a *charter*. It was, indeed, a concession; they had obtained it sword in hand from the king; and in many other cases, whatever was obtained, favorable to human rights, from the tyranny and despotism of the feudal sovereigns, was called by the names of *privileges* and *liberties*, as being matter of special favor. And though we retain this language at the present time, the principle itself belongs to ages that have long passed by us. The civilized world has done with the enormous faith, of many made for one. Society asserts its own rights, and alleges them to be original, sacred, and unalienable. It is not satisfied with having kind masters; it demands a participation in its own government; and in states much advanced in civilization, it urges this demand with a constancy and an energy that cannot well nor long be resisted. There are, happily, enough of regulated governments in the world, and those among the most distinguished, to operate as constant examples, and to keep alive an unceasing panting in the bosoms of men for the enjoyment of similar free institutions.

When the English revolution of 1688 took place, the English people did not content themselves with the example of Runnymede; they did not build their hopes upon royal charters; they did not, like the Laybach circular, suppose that all useful changes in constitutions and laws must proceed from those only whom God has rendered responsible for power. They were somewhat better instructed in the principles of civil liberty, or at least they were better lovers of those principles than the sovereigns of Laybach. Instead of petitioning for charters, they declared their rights, and while they offered to the Prince of Orange the crown with one hand, they held in the

other an enumeration of those privileges which they did not profess to hold as favors, but which they demanded and insisted upon as their undoubted rights.

I need not stop to observe, Mr. Chairman, how totally hostile are these doctrines of Laybach to the fundamental principles of our government. They are in direct contradiction; the principles of good and evil are hardly more opposite. If these principles of the sovereigns be true, we are but in a state of rebellion or of anarchy, and are only tolerated among civilized states because it has not yet been convenient to conform us to the true standard.

But the second, and, if possible, the still more objectionable principle, avowed in these papers, is the right of forcible interference in the affairs of other states. A right to control nations in their desire to change their own government, wherever it may be conjectured, or pretended, that such change might furnish an example to the subjects of other states, is plainly and distinctly asserted. The same congress that made the declaration at Laybach had declared, before its removal from Trop pau, "that the powers have an undoubted right to take a hostile attitude in regard to those states in which the overthrow of the government may operate as an example."

There cannot, as I think, be conceived a more flagrant violation of public law, or national independence, than is contained in this short declaration.

No matter what be the character of the government resisted; no matter with what weight the foot of the oppressor bears on the neck of the oppressed; if he struggle, or if he complain, he sets a dangerous example of resistance—and from that moment he becomes an object of hostility to the most powerful potentates of the earth. I want words to express my abhorrence of this abominable principle. I trust every enlightened man throughout the world will oppose it, and that, especially, those who, like ourselves, are fortunately out of the reach of the bay-

onets that enforce it, will proclaim their detestation of it, in a tone both loud and decisive. The avowed object of such declarations is to preserve the peace of the world. But by what means is it proposed to preserve this peace? Simply, by bringing the power of all governments to bear against all subjects. Here is to be established a sort of double, or treble, or quadruple, or, for ought I know, quintuple allegiance. An offence against one king is to be an offence against all kings, and the power of all is to be put forth for the punishment of the offender. A right to interfere in extreme cases, in the case of contiguous states, and where imminent danger is threatened to one by what is transpiring in another, is not without precedent in modern times, upon what has been called the law of vicinage; and when confined to extreme cases, and limited to a certain extent, it may perhaps be defended upon principles of necessity and self-defense. But to maintain that sovereigns may go to war upon the subjects of another state to repress an example, is monstrous indeed. What is to be the limit to such a principle, or to the practice growing out of it? What, in any case, but sovereign pleasure, is to decide whether the example be good or bad? And what, under the operation of such rule, may be thought of OUR example? Why are we not as fair objects for the operation of the new principle, as any of those who may attempt to reform the condition of their government on the other side of the Atlantic?

The ultimate effect of this alliance of sovereigns, for objects personal to themselves, or respecting only the permanence of their own power, must be the destruction of all just feeling, and all natural sympathy, between those who exercise the power of government and those who are subject to it. The old channels of mutual regard and confidence are to be dried up, or cut off. Obedience can now be expected no longer than it is enforced. Instead of relying on the affections of the governed, sovereigns are to rely on the affections and friendship of other

sovereigns. There are, in short, no longer to be nations. Princes and people are no longer to unite for interests common to them both. There is to be an end of all patriotism, as a distinct national feeling. Society is to be divided horizontally; all sovereigns above, and all subjects below; the former coalescing for their own security, and for the more certain subjection of the undistinguished multitude beneath. This, sir, is no picture drawn by imagination. I have hardly used language stronger than that in which the authors of this new system have commented on their own work. M. de Chateaubriand, in his speech in the French chamber of deputies, in February last, declared, that he had a conference with the emperor of Russia, at Verona, in which that august sovereign uttered sentiments which appeared to him so precious, that he immediately hastened home, and wrote them down, while yet fresh in his recollection. "The emperor declared," said he, "that there can no longer be such a thing as an English, French, Russian, Prussian, or Austrian policy; there is henceforth but one policy, which, for the safety of all, should be adopted both by people and kings. It was for me first to show myself convinced of the principles upon which I founded the alliance; an occasion offered itself—the rising in Greece. Nothing certainly could occur more for my interests, for the interests of my people; nothing more acceptable to my country, than a religious war in Turkey. But I have thought I perceived in the troubles of the Morea, the signs of revolution, and I have held back. Providence has not put under my command eight hundred thousand soldiers to satisfy my ambition, but to protect religion, morality, and justice, and to secure the prevalence of those principles of order on which human society rests. It may well be permitted, that kings may have public alliances to defend themselves against secret enemies."

These, sir, are the words which the French minister thought so important that they deserved to be recorded; and I, too, sir,

am of the same opinion. But if it be true that there is hereafter to be neither a Russian policy, nor a Prussian policy, nor an Austrian policy, nor a French policy, nor even, which yet I will not believe, an English policy, there will be, I trust in God, an American policy. If the authority of all these governments be hereafter to be mixed and blended, and to flow, in one augmented current of prerogative, over the face of Europe, sweeping away all resistance in its course, it will yet remain for us to secure our own happiness by the preservation of our own principles; which I hope we shall have the manliness to express on all proper occasions, and the spirit to defend in every extremity. The end and scope of this amalgamated policy are neither more nor less than this, to interfere, by force, for any government, against any people who may resist it. Be the state of the people what it may, they shall not rise; be the government what it will, it shall not be opposed. The practical commentary has corresponded with the plain language of the text. Look at Spain, and at Greece. If men may not resist the Spanish inquisition, and the Turkish cimeter, what is there to which humanity must not submit? Stronger cases can never arise. Is it not proper for us, at all times, is it not our duty, at this time, to come forth, and deny, and condemn, these monstrous principles? Where, but here, and in one other place, are they likely to be resisted? They are advanced with equal coolness and boldness; and they are supported by immense power. The timid will shrink and give way, and many of the brave may be compelled to yield to force. Human liberty may yet, perhaps, be obliged to repose its principal hopes on the intelligence and the vigor of the Saxon race. As far as depends on us, at least, I trust those hopes will not be disappointed; and that, to the extent which may consist with our own settled, pacific policy, our opinions and sentiments may be brought to act on the right side, and to the right end, on an occasion which is, in truth, nothing less than a momentous question between an

intelligent age, full of knowledge, thirsting for improvement, and quickened by a thousand impulses, on the one hand, and the most arbitrary pretensions, sustained by unprecedented power.

This asserted right of forcible intervention in the affairs of other nations is in open violation of the public law of the world. Who has authorized these learned doctors of Troppau to establish new articles in this code? Whence are their diplomas? Is the whole world expected to acquiesce in principles which entirely subvert the independence of nations? On the basis of this independence has been reared the beautiful fabric of international law. On the principle of this independence, Europe has seen a family of nations flourishing within its limits, the small among the large, protected not always by power, but by a principle above power, by a sense of propriety and justice. On this principle, the great commonwealth of civilized states has been hitherto upheld. There have been occasional departures or violations, and always disastrous, as in the case of Poland; but, in general, the harmony of the system has been wonderfully preserved. In the production and preservation of this sense of justice, this predominating principle, the christian religion has acted a main part. Christianity and civilization have labored together; it seems, indeed, to be a law of our human condition, that they can live and flourish only together. From their blended influence has arisen that delightful spectacle of the prevalence of reason and principle over power and interest, so well described by one who was an honor to the age:

"And sovereign Law, the world's collected will,
O'er thrones and globes elate,
Sits empress,—crowning good, repressing ill:
Smit by her sacred frown,
The fiend, Discretion, like a vapor, sinks,
And e'en the all-dazzling crown
Hides his faint rays, and at her bidding shrinks."

But this vision is past. While the teachers of Laybach give the rule, there will be no law but the law of the strongest.

It may now be required of me to show what interest *we* have in resisting this new system. What is it to *us*, it may be asked, upon what principles, or what pretenses, the European governments assert a right of interfering in the affairs of their neighbors? The thunder, it may be said, rolls at a distance. The wide Atlantic is between us and danger; and, however others may suffer, *we* shall remain safe.

I think it is a sufficient answer to this to say, that we are one of the nations; that we have an interest, therefore, in the preservation of that system of national law and national intercourse which has heretofore subsisted, so beneficially for all. Our system of government, it should also be remembered, is, throughout, founded on principles utterly hostile to the new code; and if we remain undisturbed by its operation, we shall owe our security either to our situation or our spirit. The enterprising character of the age, our own active, commercial spirit, the great increase which has taken place in the intercourse between civilized and commercial states, have necessarily connected us with the nations of the earth, and given us a high concern in the preservation of those salutary principles upon which that intercourse is founded. We have as clear an interest in international law, as individuals have in the laws of society.

But apart from the soundness of the policy, on the ground of direct interest, we have, sir, a duty connected with this subject, which I trust we are willing to perform. What do *we* not owe to the cause of civil and religious liberty? to the principle of lawful resistance? to the principle that society has a right to partake in its own government? As the leading republic of the world, living and breathing in these principles, and advanced, by their operation, with unequaled rapidity in our career, shall we give *our* consent to bring them into disrepute

and disgrace? It is neither ostentation nor boasting to say, that there lie before this country, in immediate prospect, a great extent and height of power. We are borne along toward this, without effort, and not always even with a full knowledge of the rapidity of our own motion. Circumstances which never combined before have here united in our favor, and a mighty current is setting us forward which we could not resist even if we would, and which, while we would stop to make an observation, and take the sun, has set us, at the end of the operation, far in advance of the place where we commenced it. Does it not become us, then, is it not a duty imposed on us, to give our weight to the side of liberty and justice; to let mankind know that we are not tired of our own institutions, and to protest against the asserted power of altering at pleasure the law of the civilized world?

But whatever we do in this respect, it becomes us to do upon clear and consistent principles. There is an important topic in the message to which I have yet hardly alluded. I mean the rumored combination of the European continental sovereigns against the newly established free states of South America. Whatever position this government may take on that subject, I trust it will be one which can be defended on known and acknowledged grounds of right. The near approach or the remote distance of danger may affect policy, but cannot change principle. The same reason that would authorize us to protest against unwarrantable combinations to interfere between Spain and her former colonies, would authorize us equally to protest, if the same combination were directed against the smallest state in Europe, although our duty to ourselves, our policy, and wisdom, might indicate very different courses as fit to be pursued by us in the two cases. We shall not, I trust, act upon the notion of dividing the world with the Holy Alliance, and complain of nothing done by them in their hemisphere if they will not interfere with ours. At least this would not be such a

course of policy as I could recommend or support. We have not offended, and I hope we do not intend to offend, in regard to South America, against any principle of national independence or of public law. We have done nothing, we shall do nothing, that we need to hush up or to compromise by forbearing to express our sympathy for the cause of the Greeks, or our opinion of the course which other governments have adopted in regard to them.

It may, in the next place, be asked, perhaps, supposing all this to be true, what can *we* do? Are we to go to war? Are we to interfere in the Greek cause, or any other European cause? Are we to endanger our pacific relations? No, certainly not. What, then, the question recurs, remains for us? If we will not endanger our own peace, if we will neither furnish armies nor navies to the cause which we think the just one, what is there within our power?

Sir, this reasoning mistakes the age. The time has been, indeed, when fleets, and armies, and subsidies, were the principal reliances even in the best cause. But, happily for mankind, there has come a great change in this respect. Moral causes come into consideration, in proportion as the progress of knowledge is advanced; and the public opinion of the civilized world is rapidly gaining an ascendency over mere brutal force. It is already able to oppose the most formidable obstruction to the progress of injustice and oppression; and as it grows more intelligent and more intense, it will be more and more formidable. It may be silenced by military power, but it cannot be conquered. It is elastic, irrepressible, and invulnerable to the weapons of ordinary warfare. It is that impassible, unextinguishable enemy of mere violence and arbitrary rule, which, like Milton's angels,

> "Vital in every part,
> Cannot, but by annihilating, die."

Until this be propitiated or satisfied, it is vain for power to talk either of triumphs or of repose. No matter what fields are desolated, what fortresses surrendered, what armies subdued, or what provinces overrun. In the history of the year that has passed by us, and in the instance of unhappy Spain, we have seen the vanity of all triumphs in a cause which violates the general sense of justice of the civilized world. It is nothing, that the troops of France have passed from the Pyrenees to Cadiz; it is nothing that an unhappy and prostrate nation has fallen before them; it is nothing that arrests and confiscation, and execution, sweep away the little remnant of national resistance. There is an enemy that still exists to check the glory of these triumphs. It follows the conqueror back to the very scene of his ovations; it calls upon him to take notice that Europe, though silent, is yet indignant; it shows him that the scepter of his victory is a barren scepter; that it shall confer neither joy nor honor, but shall moulder to dry ashes in his grasp. In the midst of his exultation, it pierces his ear with the cry of injured justice; it denounces against him the indignation of an enlightened and civilized age; it turns to bitterness the cup of his rejoicing, and wounds him with the sting which belongs to the consciousness of having outraged the opinion of mankind. In my opinion, sir, the Spanish nation is now nearer, not only in point of time, but in point of circumstance, to the acquisition of a regulated government, than at the moment of the French invasion. Nations must, no doubt, undergo these trials in their progress to the establishment of free institutions. The very trials benefit them, and render them more capable both of obtaining and of enjoying the object which they seek.

I shall not detain the committee, sir, by laying before it any statistical, geographical, or commercial account of Greece. I have no knowledge on these subjects which is not common to all. It is universally admitted, that, within the last thirty or

forty years, the condition of Greece has been greatly improved. Her marine is at present respectable, containing the best sailors in the Mediterranean, better even, in that sea, than our own, as more accustomed to the long quarantines and other regulations which prevail in its ports. The number of her seamen has been estimated as high as 50,000, but I suppose that estimate must be much too large. She has, probably, 150,000 tons of shipping. It is not easy to state an accurate account of Grecian population. The Turkish government does not trouble itself with any of the calculations of political economy, and there has never been such a thing as an accurate census, probably, in any part of the Turkish empire. In the absence of all official information, private opinions widely differ. By the tables which have been communicated, it would seem that there are 2,400,000 Greeks in Greece proper and the islands; an amount, as I am inclined to think, somewhat overrated. There are, probably, in the whole of European Turkey, 5,000,000 Greeks, and 2,000,000 more in the Asiatic dominions of that power. The moral and intellectual progress of this numerous population, under the horrible oppression which crushes it, has been such as may well excite regard. Slaves, under barbarous masters, the Greeks have still aspired after the blessings of knowledge and civilization. Before the breaking out of the present revolution, they had established schools, and colleges, and libraries, and the press. Wherever, as in Scio, owing to particular circumstances, the weight of oppression was mitigated, the natural vivacity of the Greeks, and their aptitude for the arts, were discovered. Though certainly not on an equality with the civilized and christian states of Europe, and how is it possible, under such oppression as they endured, that they should be? they yet furnished a striking contrast with their Tartar masters. It has been well said, that it is not easy to form a just conception of the nature of the despotism exercised over them. Conquest and subjugation, as used among European states, are in-

adequate modes of expression by which to denote the dominion of the Turks. A conquest in the civilized world is generally no more than an acquisition of a new part to the conquering country. It does not imply a never-ending bondage imposed upon the conquered, a perpetual mark, an opprobrious distinction between them and their masters; a bitter and unending persecution of their religion; an habitual violation of their rights of person and property, and the unrestrained indulgence toward them of every passion which belongs to the character of a barbarous soldiery. Yet such is the state of Greece. The Ottoman power over them, obtained originally by the sword, is constantly preserved by the same means. Wherever it exists, it is a mere military power. The religious and civil code of the state being both fixed in the Alkoran, and equally the object of an ignorant and furious faith, have been found equally incapable of change. "The Turk," it has been said, "has been *encamped* in Europe for four centuries." He has hardly any more participation in the European manners, knowledge, and arts, than when he crossed the Bosphorus. But this is not the worst of it. The power of the empire is fallen into anarchy, and as the principle which belongs to the head belongs also to the parts, there are as many despots as there are pachas, beys, and viziers. Wars are almost perpetual between the sultan and some rebellious governor of a province; and in the conflict of these despotisms, the people are necessarily ground between the upper and the nether millstone. In short, the christian subjects of the Sublime Porte feel daily all the miseries which flow from depotism, from anarchy, from slavery, and from religious persecution. If anything yet remains to heighten such a picture, let it be added, that every office in the government is not only actually, but professedly, venal; the pachalics, the vizierates, the cadiships, and whatsoever other denomination may denote the depositary of power. In the whole world, sir, there is no such oppression felt as by the christian

Greeks. In various parts of India, to be sure, the government is bad enough; but then it is the government of barbarians over barbarians, and the feeling of oppression is, of course, not so keen. There the oppressed are perhaps not better than their oppressors; but in the case of Greece, there are millions of christian men, not without knowledge, not without refinement, not without a strong thirst for all the pleasures of civilized life, trampled into the very earth, century after century, by a pillaging, savage, relentless soldiery. Sir, the case is unique. There exists, and has existed, nothing like it. The world has no such misery to show; there is no case in which christian communities can be called upon with such emphasis of appeal.

But I have said enough, Mr. Chairman, indeed I need have said nothing, to satisfy the house, that it must be some new combination of circumstances, or new views of policy in the cabinets of Europe, which have caused this interesting struggle not merely to be regarded with indifference, but to be marked with opprobrium. The very statement of the case, as a contest between the Turks and Greeks, sufficiently indicates what must be the feeling of every individual, and every government, that is not biased by a particular interest, or a particular feeling, to disregard the dictates of justice and humanity.

And now, sir, what has been the conduct pursued by the Allied Powers in regard to this contest? When the revolution broke out, the sovereigns were in congress at Laybach; and the papers of that assembly sufficiently manifest their sentiments. They proclaimed their abhorrence of those "criminal combinations which had been formed in the eastern parts of Europe;" and, although it is possible that this denunciation was aimed, more particularly, at the disturbances in the provinces of Wallachia and Moldavia, yet no exception is made, from its general terms, in favor of those events in Greece which were properly the commencement of her revolution, and which

could not but be well known at Laybach, before the date of these declarations. Now it must be remembered, that Russia was a leading party in this denunciation of the efforts of the Greeks to achieve their liberation; and it cannot but be expected by Russia that the world will also remember what part she herself has heretofore acted in the same concern. It is notorious, that within the last half-century, she has again and again excited the Greeks to rebellion against the Porte, and that she has constantly kept alive in them the hope that she would, one day, by her own great power, break the yoke of their oppressor. Indeed, the earnest attention with which Russia has regarded Greece, goes much farther back than to the time I have mentioned. Ivan the Third, in 1482, having espoused a Grecian princess, heiress of the last Greek emperor, discarded St. George from the Russian arms, and adopted, in its stead, the Greek two-headed black eagle, which has continued in the Russian arms to the present day. In virtue of the same mar riage, the Russian princes claim the Greek throne as their inheritance.

Under Peter the Great, the policy of Russia developed itself more fully. In 1696, he rendered himself master of Azof, and in 1698, obtained the right to pass the Dardanelles, and to maintain, by that route, commercial intercourse with the Mediterranean. He had emmissaries throughout Greece, and particularly applied himself to gain the clergy. He adopted the *Labarum* of Constantine, "In hoc signo vinces;" and medals were struck, with the inscription, "Petrus I. Russo-Græcorum Imperator." In whatever new direction the principles of the Holy Alliance may now lead the politics of Russia, or whatever course she may suppose christianity now prescribes to her in regard to the Greek cause, the time has been when she professed to be contending for that cause, as identified with christianity. The white banner under which the soldiers of Peter I. usually fought, bore, as its inscription, "In the name of the Prince, and for

our country." Relying on the aid of the Greeks, in his war with the Porte, he changed the white flag to red, and displayed on it the words, "In the name of God, and for christianity." The unfortunate issue of this war is well known. Though Anne and Elizabeth, the successors of Peter, did not possess his active character, they kept up a constant communication with Greece, and held out hopes of restoring the Greek empire. Catharine II., as is well known, excited a general revolt in 1769. A Russian fleet appeared in the Mediterranean, and a Russian army was landed in the Morea. The Greeks, in the end, were disgusted by being required to take an oath of allegiance to Russia, and the empress was disgusted because they refused to take it. In 1774, peace was signed between Russia and the Porte, and the Greeks of the Morea were left to their fate. By this treaty, the Porte acknowledged the independence of the khan of the Crimea; a preliminary step to the acquisition of that country by Russia. It is not unworthy of remark, as a circumstance which distinguished this from most other diplomatic transactions, that it conceded the right to the cabinet of St. Petersburg of intervention in the interior affairs of Turkey, in regard to whatever concerned the religion of the Greeks. The cruelties and massacres that happened to the Greeks after the peace between Russia and the Porte, notwithstanding the general pardon which had been stipulated for them, need not now be recited. Instead of retracing the deplorable picture, it is enough to say that, in this respect, the past is justly reflected in the present. The empress soon after invaded and conquered the Crimea, and on one of the gates of Kerson, its capital, caused to be inscribed, "The road to Byzantium." The present emperor, on his accession to the throne, manifested an intention to adopt the policy of Catharine II. as his own, and the world has not been right in all its suspicions, if a project for the partition of Turkey did not form a part of the negotiations of Napoleon and Alexander at Tilsit.

All this course of policy seems suddenly to be changed. Turkey is no longer regarded, it would appear, as an object of partition or acquisition, and Greek revolts have all at once become, according to the declaration of Laybach, "criminal combinations." The recent congress at Verona exceeded its predecessor at Laybach, in its denunciations of the Greek struggle. In the circular of the 14th of December, 1822, it declared the Grecian resistance to the Turkish power to be rash and culpable, and lamented that "the firebrand of rebellion had been thrown into the Ottoman empire." This rebuke and crimination we know to have proceeeded on those settled principles of conduct which the continental powers had prescribed for themselves. The sovereigns saw, as well as others, the real condition of the Greeks; they knew, as well as others, that it was most natural and most justifiable that they should endeavor, at whatever hazard, to change that condition. They knew that that they themselves, or at least one of them, had more than once urged the Greeks to similar efforts; that they themselves had thrown the same firebrand into the midst of the Ottoman empire. And yet, so much does it seem to be their fixed object to discountenance whatsoever threatens to disturb the actual government of any country, that, christians as they were, and allied, as they professed to be, for purposes most important to human happiness, and religion, they have not hesitated to declare to the world that they have wholly forborne to exercise any compassion to the Greeks, simply because they thought that they saw, in the struggles of the Morea, the sign of revolution. This, then, is coming to a plain, practical result. The Grecian revolution has been discouraged, discountenanced, and denounced, for no reason but because it *is* a revolution. Independent of all inquiry into the reasonableness of its causes, or the enormity of the oppression which produced it; regardless of the peculiar claims which Greece possesses upon the civilized world; and regardless of what has been their own conduct

toward her for a century ; regardless of the interest of the christian religion,—the sovereigns at Verona seized upon the case of the Greek revolution as one above all others calculated to illustrate the fixed principles of their policy. The abominable rule of the Porte on one side, the valor and the sufferings of the christian Greeks on the other, furnished a case likely to convince even an incredulous world of the sincerity of the professions of the Allied Powers. They embraced the occasion with apparent ardor; and the world, I trust, is satisfied.

We see here, Mr. Chairman, the direct and actual application of that system which I have attempted to describe. We see it in the very case of Greece. We learn, authentically and indisputably, that the Allied Powers, holding that all changes in legislation and administration ought to proceed from kings alone, were wholly inexorable to the sufferings of the Greeks, and wholly hostile to their success. Now it is upon this practical result of the principle of the continental powers that I wish this house to intimate its opinion. The great question is a question of principle. Greece is only the signal instance of the application of that principle. If the principle be right, if we esteem it conformable to the law of nations, if we have nothing to say against it, or if we deem ourselves unfit to express an opinion on the subject, then, of course, no resolution ought to pass. If, on the other hand, we see in the declaration of the Allied Powers, principles not only utterly hostile to our own free institutions, but hostile also to the independence of all nations, and altogether opposed to the improvement of the condition of human nature; if, in the instance before us, we see a most striking exposition and application of those principles, and if we deem our own opinions to be entitled to any weight in the estimation of mankind; then I think it is our duty to adopt some such measure as the proposed resolution.

It is worthy of observation, sir, that as early as July, 1821, Baron Strogonoff, the Russian minister at Constantinople, rep-

resented to the Porte that, if the undistinguished massacres of the Greeks, both of such as were in open resistance and of those who remained patient in their submission, were continued, and should become a settled habit, they would give just cause of war against the Porte to all christian states. This was in 1821. It was followed, early in the next year, by that indescribable enormity, that appalling monument of barbarian cruelty, the destruction of Scio; a scene I shall not attempt to describe; a scene from which human nature shrinks shuddering away; a scene having hardly a parallel in the history of fallen man. This scene, too, was quickly followed by the massacres in Cyprus; and all these things were perfectly known to the christian powers assembled at Verona. Yet these powers, instead of acting upon the case supposed by Baron Strogonoff, and which one would think had been then fully made out; instead of being moved by any compassion for the sufferings of the Greeks, these powers, these christian powers, rebuke their gallantry and insult their sufferings by accusing them of "throwing a firebrand into the Ottoman empire."

Such, sir, appear to me to be the principles on which the continental powers of Europe have agreed hereafter to act; and this, an eminent instance of the application of those principles.

I shall not detain the committee, Mr. Chairman, by any attempt to recite the events of the Greek struggle up to the present time. Its origin may be found, doubtless, in that improved state of knowledge which, for some years, has been gradually taking place in that country. The emancipation of the Greeks has been a subject frequently discussed in modern times. They themselves are represented as having a vivid remembrance of the distinction of their ancestors, not unmixed with an indignant feeling that civilized and christian Europe should not ere now have aided them in breaking their intolerable fetters.

In 1816, a society was founded in Vienna for the encouragement of Grecian literature. It was connected with a similar

institution at Athens, and another in Thessaly, called the "Gymnasium of Mount Pelion." The treasury and general office of the institution were established at Munich. No political object was avowed by these institutions, probably none contemplated. Still, however, they have, no doubt, had their effect in hastening that condition of things in which the Greeks felt competent to the establishment of their independence. Many young men have been for years annually sent to the universities in the western states of Europe for their education; and, after the general pacification of Europe, many military men, discharged from other employment, were ready to enter even into so unpromising a service as that of the revolutionary Greeks.

In 1820, war commenced between the Porte and Ali, the well-known pacha of Albania. Differences existed, also, with Persia and with Russia. In this state of things, at the beginning of 1821, an insurrection appeared to have broken out in Moldavia, under the direction of Alexander Ypsilanti, a well-educated soldier, who had been major-general in the Russian service. From his character, and the number of those who seemed disposed to join him, he was supposed to be countenanced by the court of St. Petersburg. This, however, was a great mistake, which the emperor, then at Laybach, took an early opportunity to rectify. The Porte, it would seem, however, alarmed at these occurrences in the northern provinces, caused search to be made of all vesssels entering the Black Sea, lest arms or other military means should be sent in that manner to the insurgents. This proved inconvenient to the commerce of Russia, and caused some unsatisfactory correspondence between the two powers. It may be worthy of remark, as an exhibition of national character, that, agitated by these appearances of intestine commotion, the sultan issued a proclamation, calling on all true Mussulmans to renounce the pleasures of social life, to prepare arms and horses, and to return to the manner of their ancestors, the life of the plains.

The Turk seems to have thought that he had, at last, caught something of the dangerous contagion of European civilization, and that it was necessary to reform his habits, by recurring to the original manners of military roving barbarians.

It was about this time, that is to say, at the commencment of 1821, that the revolution burst out in various parts of Greece and the isles. Circumstances, certainly, were not unfavorable, as one portion of the Turkish army was employed in the war against Ali Pacha, in Albania, and another part in the provin ces north of the Danube. The Greeks soon possessed themselves of the open country of the Morea, and drove their enemy into the fortresses. Of these, that of Tripolitza, with the city, fell into the hands of the Greeks in the course of the summer. Having, after these first movements, obtained time to breathe, it became, of course, an early object to establish a government. For this purpose, delegates of the people assembled, under that name which describes the assembly in which we ourselves sit, that name which "freed the Atlantic," a *Congress.* A writer, who undertakes to render to the civilized world that service which was once performed by Edmund Burke, I mean the compiler of the English Annual Register, asks, by what authority this assembly could call itself a congress. Simply, sir, by the same authority by which the people of the United States have given the same name to their own legislature. We, at least, should be naturally inclined to think, not only as far as names, but things, also, are concerned, that the Greeks could hardly have begun their revolution under better auspices; since they have endeavored to render applicable to themselves the general principles of our form of government, as well as its name. This constitution went into operation at the commencement of the next year. In the mean time, the war with Ali Pacha was ended, he having surrendered, and being afterward assassinated, by an instance of treachery and perfidy, which, if it had happened elsewhere than under the government of the Turks,

would have deserved notice. The negotiation with Russia, too, took a turn unfavorable to the Greeks. The great point upon which Russia insisted, beside the abandonment of the measure of searching vessels bound to the Black Sea, was, that the Porte should withdraw its armies from the neighborhood of the Russian frontiers; and the immediate consequence of this, when effected, was to add so much more to the disposable force ready to be employed against the Greeks. These events seemed to have left the whole force of the Turkish empire, at the commencement of 1822, in a condition to be employed against the Greek rebellion; and, accordingly, very many anticipated the immediate destruction of their cause. The event, however, was ordered otherwise. Where the greatest effort was made, it was met and defeated. Entering the Morea with an army which seemed capable of bearing down all resistance, the Turks were nevertheless defeated and driven back, and pursued beyond the isthmus, within which, as far as it appears, from that time to the present, they have not been able to set their foot.

It was in April of this year that the destruction of Scio took place. That island, a sort of appanage of the Sultana mother, enjoyed many privileges peculiar to itself. In a population of 130,000 or 140,000, it had not more than 2,000 or 3,000 Turks; indeed, by some accounts, not near as many. The absence of these ruffian masters had in some degree, allowed opportunity for the promotion of knowledge, the accumulation of wealth, and the general cultivation of society. Here was the seat of modern Greek literature; here were libraries, printing presses, and other establishments, which indicate some advancement in refinement and knowledge. Certain of the inhabitants of Samos, it would seem, envious of this comparative happiness of Scio, landed upon the island in an irregular multitude, for the purpose of compelling its inhabitants to make common cause with their countrymen against their oppressors. These, being joined by the peasantry, marched to the city and drove

the Turks into the castle. The Turkish fleet, lately reinforced from Egypt, happened to be in the neighboring seas, and, learning these events, landed a force on the island of fifteen thousand men. There was nothing to resist such an army. These troops immediately entered the city, and began an indiscriminate massacre. The city was fired; and in four days the fire and sword of the Turk rendered the beautiful Scio a clotted mass of blood and ashes. The details are too shocking to be recited. Forty thousand women and children, unhappily saved from the general destruction, were afterward sold in the market of Smyrna, and sent off into distant and hopeless servitude. Even on the wharves of our own cities, it has been said, have been sold the utensils of those hearths, which now exist no longer. Of the whole population which I have mentioned, not above nine hundred persons were left living upon the island. I will only repeat, sir, that these tragical scenes were as fully known at the congress of Verona, as they are now known to us; and it is not too much to call on the powers that constituted that congress, in the name of conscience and in the name of humanity, to tell us if there be nothing even in these unparalleled excesses of Turkish barbarity, to excite a sentiment of compassion; nothing which they regard as so objectionable as even the very idea of popular resistance to power.

The events of the year which has just passed by, as far as they have become known to us, have been even more favorable to the Greeks than those of the year preceding. I omit all details, as being as well known to others as to myself. Suffice it to say, that with no other enemy to contend with, and no diversion of his force to other objects, the Porte has not been able to carry the war into the Morea; and that, by the last accounts, its armies were acting defensively in Thessaly. I pass over, also, the naval engagements of the Greeks, although that is a mode of warfare in which they are calculated to excel, and in which they have already performed actions of such distinguished

skill and bravery, as would draw applause upon the best mariners in the world. The present state of the war would seem to be, that the Greeks possess the whole of the Morea, with the exception of the three fortresses of Patras, Coron, and Modon; all Candia, but one fortress; and most of the other islands. They possess the citadel of Athens, Missolonghi, and several other places in Livadia. They have been able to act on the offensive, and to carry the war beyond the isthmus. There is no reason to believe their marine is weakened; probably, on the other hand, it is strengthened. But, what is most of all important, they have obtained time and experience. They have awakened a sympathy throughout Europe and throughout America; and they have formed a government which seems suited to the emergency of their condition.

Sir, they have done much. It would be great injustice to compare their achievements with our own. We began our revolution, already possessed of government, and, comparatively, of civil liberty. Our ancestors had for centuries been accustomed in a great measure to govern themselves. They were well acquainted with popular elections and legislative assemblies, and the general principles and practice of free governments. They had little else to do than to throw off the paramount authority of the parent state. Enough was still left, both of law and of organization, to conduct society in its accustomed course, and to unite men together for a common object. The Greeks, of course, could act with little concert at the beginning; they were unaccustomed to the exercise of power, without experience, with limited knowledge, without aid, and surrounded by nations which, whatever claims the Greeks might seem to have upon them, have afforded them nothing but discouragement and reproach. They have held out, however, for three campaigns; and that, at least, is something. Constantinople and the northern provinces have sent forth thousands of troops; they have been defeated. Tripoli, and Al-

giers, and Egypt, have contributed their marine contingents; they have not kept the ocean. Hordes of Tartars have crossed the Bosphorus; they have died where the Persians died. The powerful monarchies in the neighborhood have denounced their cause, and admonished them to abandon it and submit to their fate. They have answered them, that, although two hundred thousand of their countrymen have offered up their lives, there yet remain lives to offer; and that it is the determination of *all*, "yes, of ALL," to persevere until they shall have established their liberty, or until the power of their oppressors shall have relieved them from the burden of existence.

It may now be asked, perhaps, whether the expression of our own sympathy, and that of the country, may do them good? I hope it may. It may give them courage and spirit, it may assure them of public regard, teach them that they are not wholly forgotten by the civilized world, and inspire them with constancy in the pursuit of their great end. At any rate, sir, it appears to me that the measure which I have proposed is due to our own character, and called for by our own duty. When we shall have discharged that duty, we may leave the rest to the disposition of Providence.

I do not see how it can be doubted that this measure is entirely *pacific*. I profess my inability to perceive that it has any possible tendency to involve our neutral relations. If the resolution pass, it is not necessary to be immediately acted on. It will not be acted on at all, unless, in the opinion of the president, a proper and safe occasion for acting upon it shall arise. If we adopt the resolution to-day, our relations with every foreign state will be to-morrow precisely what they now are. The resolution will be sufficient to express our sentiments on the subjects to which I have adverted. Useful to that purpose, it can be mischievous to no purpose. If the topic were properly introduced into the message, it cannot be improperly introduced into discussion in this house. If it were proper, which

no one doubts, for the president to express his opinions upon it, it cannot, I think, be improper for us to express ours. The only certain effect of this resolution is to express, in a form usual in bodies constituted like this, our approbation of the general sentiment of the message. Do we wish to withhold that approbation? The resolution confers on the president no new power, nor does it enjoin on him the exercise of any new duty; nor does it hasten him in the discharge of any existing duty.

I cannot imagine that this resolution can add anything to those excitements which it has been supposed, I think very causelessly, might possibly provoke the Turkish government to acts of hostility. There is already the message, expressing the hope of success to the Greeks and disaster to the Turks, in a much stronger manner than is to be implied from the terms of this resolution. There is the correspondence between the secretary of state and the Greek agent in London, already made public, in which similar wishes are expressed, and a continuance of the correspondence apparently invited. I might add to this, the unexampled burst of feeling which this cause has called forth from all classes of society, and the notorious fact of pecuniary contributions made throughout the country for its aid and advancement. After all this, whoever can see cause of danger to our pacific relations from the adoption of this resolution has a keener vision than I can pretend to. Sir, there is no augmented danger; there is no danger. The question comes at last to this, whether, on a subject of this sort, this house holds an opinion which is worthy to be expressed.

Even suppose, sir, an agent or commissioner were to be immediately sent—a measure which I myself believe to be the proper one—there is no breach of neutrality, nor any just cause of offense. Such an agent, of course, would not be accredited; he would not be a public minister. The object would be inquiry and information; inquiry which we have a right to make,

information which we are interested to possess. If a dismemberment of the Turkish empire be taking place, or has already taken place; if a new state be rising, or be already risen, in the Mediterranean, who can doubt, that, without any breach of neutrality, we may inform ourselves of these events for the government of our own concerns?

The Greeks have declared the Turkish coasts in a state of blockade; may we not inform ourselves whether this blockade be *nominal* or *real?* and, of course, whether it shall be regarded or disregarded? The greater our trade may happen to be with Smyrna, a consideration which seems to have alarmed some gentlemen, the greater is the reason, in my opinion, why we should seek to be accurately informed of those events which may affect its safety.

It seems to me impossible, therefore, for any reasonable man to imagine that this resolution can expose us to the resentment of the Sublime Porte.

As little reason is there for fearing its consequences upon the conduct of the Allied Powers. They may, very naturally, dislike our sentiments upon the subject of the Greek revolution; but what those sentiments are they will much more explicitly learn in the president's message than in this resolution. They might, indeed, prefer, that we should express no opposition to the doctrines which they have avowed, and the application which they have made of those doctrines to the cause of Greece. But I trust we are not disposed to leave them in any doubt as to our sentiments upon these important subjects. They have expressed their opinions, and do not call that expression of opinion an interference; in which respect they are right, as the expression of opinion in such cases is not such an interference as would justify the Greeks in considering the powers at war with them. For the same reason, any expression which we may make of different principles and different sympathies is no interference. No one would call the president's message an in-

terference; and yet it is much stronger in that respect than this resolution. If either of them could be construed to be an interference, no doubt it would be improper, at least it would be so according to my view of the subject; for the very thing which I have attempted to resist in the course of these observations is the right of foreign interference. But neither the message nor the resolution has that character. There is not a power in Europe that can suppose, that, in expressing our opinions on this occasion, we are governed by any desire of aggrandizing ourselves or of injuring others. We do no more than to maintain those established principles in which we have an interest in common with other nations, and to resist the introduction of new principles and new rules, calculated to destroy the relative independence of states, and particularly hostile to the whole fabric of our government.

I close, then, sir, with repeating, that the object of this resolution is to avail ourselves of the interesting occasion of the Greek revolution to make our protest against the doctrines of the Allied Powers, both as they are laid down in principle and as they are applied in practice.

I think it right, too, sir, not to be unseasonable in the expression of our regard, and, as far as that goes in evincing our feelings in consonance with a long oppressed and now struggling people. I am not of those who would, in the hour of utmost peril, withhold such encouragement as might be properly and lawfully given, and, when the crisis should be past, overwhelm the rescued sufferer with kindness and caresses. The Greeks address the civilized world with a pathos not easy to be resisted. They invoke our favor by more moving considerations than can well belong to the condition of any other people. They stretch out their arms to the christian communities of the earth, beseeching them, by a generous recollection of their ancestors, by the consideration of their own desolated and ruined cities and villages, by their wives and children sold into an ac-

cursed slavery, by their own blood, which they seem willing to pour out like water, by the common faith, and in the name, which unites all christians, that they would extend to them at least some token of compassionate regard.

WEBSTER'S MASTER-PIECE

AS

A DEDICATORY ORATOR.

BUNKER HILL MONUMENT.

INTRODUCTORY NOTE

At the time he was called upon to deliver the address at the laying of the corner-stone of the Bunker Hill Monument, Mr. Webster had never performed a similar service; nor had it been very common to require such services on such occasions; but the manner in which he that day discharged his duty not only covered his own name with undying luster, but brought the practice into such repute, that nothing can now be erected, from a school-house to a cathedral, without its being consecrated by a public dedication. No man, however, of all that have followed in the footsteps of Mr. Webster, has ever surpassed, or equaled, or very nearly approached the great model, who, at the time this address was delivered, was not *forty-three* years of age His address at the laying of the corner-stone of the extension of the Capitol is nearly equal to it.

THE BUNKER HILL MONUMENT.

AN ADDRESS DELIVERED AT THE LAYING OF THE CORNER-STONE OF THE BUNKER HILL MONUMENT, AT CHARLESTOWN, MASS., JUNE 17, 1825.

This uncounted multitude before me and around me proves the feeling which the occasion has excited. These thousands of human faces, glowing with sympathy and joy, and from the impulses of a common gratitude turned reverently to heaven in this spacious temple of the firmament, proclaim that the day, the place, and the purpose of our assembling have made a deep impression on our hearts.

If, indeed, there be anything in local association fit to affect the mind of man, we need not strive to repress the emotions which agitate us here. We are among the sepulchres of our fathers. We are on ground distinguished by their valor, their constancy, and the shedding of their blood. We are here, not to fix an uncertain date in our annals, nor to draw into notice an obscure and unknown spot. If our humble purpose had never been conceived, if we ourselves had never been born, the 17th of June, 1775, would have been a day on which all subsequent history would have poured its light, and the eminence where we stand a point of attraction to the eyes of successive generations. But we are Americans. We live in what may be called the early age of this great continent; and we know that our posterity, through all time, are here to suffer and enjoy the allotments of humanity. We see before us a probable train of great events; we know that our own fortunes have been happily cast; and it is natural, therefore, that we should be moved by the contemplation of occurrences which have guided our destiny before many of us were born, and settled

the condition in which we should pass that portion of our existence which God allows to men on earth.

We do not read even of the discovery of this continent, without feeling something of a personal interest in the event; without being reminded how much it has affected our own fortunes and our own existence. It is more impossible for us, therefore, than for others, to contemplate with unaffected minds that interesting, I may say that most touching and pathetic scene, when the great discoverer of America stood on the deck of his shattered bark, the shades of night falling on the sea, yet no man sleeping; tossed on the billows of an unknown ocean, yet the stronger billows of alternate hope and despair tossing his own troubled thoughts; extending forward his harassed frame, straining westward his anxious and eager eyes, till Heaven at last granted him a moment of rapture and ecstacy, in blessing his vision with the sight of the unknown world.

Nearer to our times, more closely connected with our fates, and therefore still more interesting to our feelings and affections, is the settlement of our own country by colonists from England. We cherish every memorial of these worthy ancestors; we celebrate their patience and fortitude; we admire their daring enterprise; we teach our children to venerate their piety; and we are justly proud of being descended from men who have set the world an example of founding civil institutions on the great and united principles of human freedom and human knowledge. To us, their children, the story of their labors and sufferings can never be without its interest. We shall not stand unmoved on the shore of Plymouth, while the sea continues to wash it; nor will our brethren in another early and ancient colony forget the place of its first establishment, till their river shall cease to flow by it. No vigor of youth, no maturity of manhood, will lead the nation to forget the spots where its infancy was cradled and defended.

But the great event in the history of the continent, which we

are now met here to commemorate, that prodigy of modern times, at once the wonder and the blessing of the world, is the American revolution. In a day of extraordinary prosperity and happiness, of high national honor, distinction, and power, we are brought together, in this place, by our love of country, by our admiration of exalted character, by our gratitude for signal services and patriotic devotion.

The society whose organ I am, was formed for the purpose of rearing some honorable and durable monument to the memory of the early friends of American independence. They have thought, that for this object no time could be more propitious than the present prosperous and peaceful period; that no place could claim preference over this memorable spot; and that no day could be more auspicious to the undertaking, than the anniversary of the battle which was here fought. The foundation of that monument we have now laid. With solemnities suited to the occasion, with prayers to Almighty God for his blessing, and in the midst of this cloud of witnesses, we have begun the work. We trust it will be prosecuted, and that, springing from a broad foundation, rising high in massive solidity and unadorned grandeur, it may remain as long as Heaven permits the works of man to last, a fit emblem, both of the events in memory of which it is raised, and of the gratitude of those who have reared it.

We know, indeed, that the record of illustrious actions is most safely deposited in the universal remembrance of mankind. We know, that if we could cause this structure to ascend, not only till it reached the skies, but till it pierced them, its broad surfaces could still contain but part of that which, in an age of knowledge, hath already been spread over the earth, and which history charges itself with making known to all future times. We know that no inscription on entablatures less broad than the earth itself can carry information of the events we commemorate where it has not already gone; and that no

structure, which shall not outlive the duration of letters and knowledge among men, can prolong the memorial. But our object is, by this edifice to show our own deep sense of the value and importance of the achievements of our ancestors; and, by presenting this work of gratitude to the eye, to keep alive similar sentiments, and to foster a constant regard for the principles of the revolution. Human beings are composed, not of reason only, but of imagination also, and sentiment; and that is neither wasted nor misapplied which is appropriated to the purpose of giving right direction to sentiments, and opening proper springs of feeling in the heart. Let it not be suppposed that our object is to perpetuate national hostility, or even to cherish a mere military spirit. It is higher, purer, nobler. We consecrate our work to the spirit of national independence, and we wish that the light of peace may rest upon it forever. We rear a memorial of our conviction of that unmeasured benefit which has been conferred on our own land, and of the happy influences which have been produced, by the same events, on the general interests of mankind. We come, as Americans, to mark a spot which must forever be dear to us and our posterity. We wish that whosoever, in all coming time, shall turn his eye hither, may behold that the place is not undistinguished where the first great battle of the revolution was fought. We wish that this structure may proclaim the magnitude and importance of that event to every class and every age. We wish that infancy may learn the purpose of its erection from maternal lips, and that weary and withered age may behold it, and be solaced by the recollections which it suggests. We wish that labor may look up here, and be proud, in the midst of its toil. We wish that, in those days of disaster, which, as they come upon all nations, must be expected to come upon us also, desponding patriotism may turn its eyes hitherward, and be assured that the foundations of our national power still stand strong. We wish that this column, rising toward heaven

among the pointed spires of so many temples dedicated to God, may contribute also to produce, in all minds, a pious feeling of dependence and gratitude. We wish, finally, that the last object on the sight of him who leaves his native shore, and the first to gladden his who revisits it, may be something which shall remind him of the liberty and the glory of his country. Let it rise, till it meet the sun in his coming; let the earliest light of the morning gild it, and parting day linger and play on its summit.

We live in a most extraordinary age. Events so various and so important that they might crowd and distinguish centuries, are, in our times, compressed within the compass of a single life. When has it happened that history has had so much to record, in the same term of years, as since the 17th of June, 1775? Our own revolution, which, under other circumstances, might itself have been expected to occasion a war of half a century, has been achieved; twenty-four sovereign and independent states erected; and a general government established over them, so safe, so wise, so free, so practical, that we might well wonder its establishment should have been accomplished so soon, were it not far the greater wonder that it should have been established at all. Two or three millions of people have been augmented to twelve, the great forests of the west prostrated beneath the arm of successful industry, and the dwellers on the banks of the Ohio and the Mississippi become the fellow-citizens and neighbors of those who cultivate the hills of New England. We have a commerce, that leaves no sea unexplored; navies, which take no law from superior force; revenues, adequate to all the exigencies of government, almost without taxation; and peace with all nations, founded on equal rights and mutual respect.

Europe, within the same period, has been agitated by a mighty revolution, which, while it has been felt in the individual condition and happiness of almost every man, has shaken

to the center her political fabric, and dashed against one another thrones which had stood tranquil for ages. On this, our continent, our own example has been followed, and colonies have sprung up to be nations. Unaccustomed sounds of liberty and free government have reached us from beyond the track of the sun; and at this moment the dominion of European power in this continent, from the place where we stand to the south pole, is annihilated forever.

In the mean time, both in Europe and America, such has been the general progress of knowledge, such the improvements in legislation, in commerce, in the arts, in letters, and, above all, in liberal ideas and the general spirit of the age, that the whole world seems changed.

Yet, notwithstanding that this is but a faint abstract of the things which have happened since the day of the battle of Bunker Hill, we are but fifty years removed from it; and we now stand here to enjoy all the blessings of our own condition, and to look abroad on the brightened prospects of the world, while we still hold among us some of those who were active agents in the scenes of 1775, and who are now here, from every quarter of New England, to visit once more, and under circumstances so affecting, I had almost said so overwhelming, this renowned theater of their courage and patriotism.

Venerable men! you have come down to us from a former generation. Heaven has bounteously lengthened out your lives, that you might behold this joyous day. You are now where you stood fifty years ago, this very hour, with your brothers and your neighbors, shoulder to shoulder, in the strife of your country. Behold, how altered! The same heavens are indeed over your heads; the same ocean rolls at your feet; but all else how changed! You hear now no roar of hostile cannon, you see no mixed volumes of smoke and flame rising from burning Charlestown. The ground strowed with the dead and the dying; the impetuous charge; the steady and successful

repulse; the loud call to repeated assault; the summoning of all that is manly to repeated resistance; a thousand bosoms freely and fearlessly bared in an instant to whatever of terror there may be in war and death—all these you have witnessed, but you witness them no more. All is peace. The heights of yonder metropolis, its towers and roofs, which you then saw filled with wives and children and countrymen in distress and terror, and looking with unutterable emotions for the issue of the combat, have presented you to-day with the sight of its whole happy population, come out to welcome and greet you with an universal jubilee. Yonder proud ships, by a felicity of position appropriately lying at the foot of this mount, and seeming fondly to cling around it, are not means of annoyance to you, but your country's own means of distinction and defense. All is peace; and God has granted you this sight of your country's happiness, ere you slumber forever in the grave. He has allowed you to behold and to partake the reward of your patriotic toils; and he has allowed us, your sons and countrymen, to meet you here, and in the name of the present generation, in the name of your country, in the name of liberty, to thank you!

But, alas! you are not all here! Time and the sword have thinned your ranks. Prescott, Putnam, Stark, Brooks, Read, Pomeroy, Bridge! our eyes seek for you in vain amid this broken band. You are gathered to your fathers, and live only to your country in her grateful remembrance and your own bright example. But let us not too much grieve, that you have met the common fate of men. You lived at least long enough to know that your work had been nobly and successfully accomplished. You lived to see your country's independence established, and to sheathe your swords from war. On the light of liberty you saw arise the light of peace, like

> "another morn,
> Risen on mid-noon;"

and the sky on which you closed your eyes was cloudless.

But ah! Him! the first great martyr in this great cause! Him! the premature victim of his own self-devoting heart! Him! the head of our civil councils, and the destined leader of our military bands, whom nothing brought hither but the unquenchable fire of his own spirit! Him! cut off by Providence in the hour of overwhelming anxiety and thick gloom; falling ere he saw the star of his country rise; pouring out his generous blood like water, before he knew whether it would fertilize a land of freedom or of bondage!—how shall I struggle with the emotions that stifle the utterance of thy name! Our poor work may perish; but thine shall endure! This monument may moulder away; the solid ground it rests upon may sink down to a level with the sea; but thy memory shall not fail! Wheresoever among men a heart shall be found that beats to the transports of patriotism and liberty, its aspirations shall be to claim kindred with thy spirit!

But the scene amidst which we stand does not permit us to confine our thoughts or our sympathies to those fearless spirits who hazarded or lost their lives on this consecrated spot. We have the happiness to rejoice here in the presence of a most worthy representation of the survivors of the whole revolutionary army.

Veterans! you are the remnant of many a well-fought field. You bring with you marks of honor from Trenton and Monmouth, from Yorktown, Camden, Bennington, and Saratoga. Veterans of half a century! when in your youthful days you put everything at hazard in your country's cause, good as that cause was, and sanguine as youth is, still your fondest hopes did not stretch onward to an hour like this! At a period to which you could not reasonably have expected to arrive, at moment of national prosperity such as you could never have foreseen, you are now met here to enjoy the fellowship of old soldiers, and to receive the overflowings of an universal gratitude.

But your agitated countenances and your heaving breasts inform me that even this is not an unmixed joy. I perceive that a tumult of contending feelings rushes upon you. The images of the dead, as well as the persons of the living, throng to your embraces. The scene overwhelms you, and I turn from it. May the Father of all mercies smile upon your declining years, and bless them! And when you shall here have exchanged your embraces, when you shall once more have pressed the hands which have been so often extended to give succor in adversity, or grasped in the exultation of victory, then look abroad into this lovely land which your young valor defended, and mark the happiness with which it is filled; yea, look abroad into the whole earth, and see what a name you have contributed to give to your country, and what a praise you have added to freedom, and then rejoice in the sympathy and gratitude which beam upon your last days from the improved condition of mankind!

The occasion does not require of me any particular account of the battle of the 17th of June, nor any detailed narrative of the events which immediately preceded it. These are familiarly known to all. In the progress of the great and interesting controversy, Massachusetts and the town of Boston had become early and marked objects of the displeasure of the British parliament. This had been manifested in the act for altering the government of the province, and in that for shutting up the port of Boston. Nothing sheds more honor on our early history, and nothing better shows how little the feelings and sentiments of the colonies were known or regarded in England, than the impression which these measures everywhere produced in America. It had been anticipated that while the colonies would be terrified by the severity of the punishment inflicted on Massachusetts, the other seaports would be governed by a mere spirit of gain; and that, as Boston was now cut off from all commerce, the unexpected advantage which this blow on her

was calculated to confer on other towns, would be greedily enjoyed. How miserably such reasoners deceived themselves! How little they knew of the depth, and the strength, and the intenseness of that feeling of resistance to illegal acts of power, which possessed the whole American people! Everywhere the unworthy boon was rejected with scorn. The fortunate occasion was seized, everywhere, to show to the whole world that the colonies were swayed by no local interest, no partial interest, no selfish interest. The temptation to profit by the punishment of Boston was strongest to our neighbors of Salem. Yet Salem was precisely the place where this miserable proffer was spurned, in a tone of the most lofty self-respect, and the most indignant patriotism. "We are deeply affected," said its inhabitants, "with the sense of our public calamities; but the miseries that are now rapidly hastening on our brethren in the capital of the province, greatly excite our commiseration. By shutting up the port of Boston, some imagine that the course of trade might be turned hither, and to our benefit; but we must be dead to every idea of justice, lost to all feelings of humanity, could we indulge a thought to seize on wealth and raise our fortunes on the ruin of our suffering neighbors." These noble sentiments were not confined to our immediate vicinity. In that day of general affection and brotherhood, the blow given to Boston smote on every patriotic heart from one end of the country to the other. Virginia and the Carolinas, as well as Connecticut and New Hampshire, felt and proclaimed the cause to be their own. The continental congress, then holding its first session in Philadelphia, expressed its sympathy for the suffering inhabitants of Boston, and addresses were received from all quarters, assuring them that the cause was a common one, and should be met by common efforts and common sacrifices. The congress of Massachusetts responded to these assurances; and in an address to the congress at Philadelphia, bearing the official signature, perhaps among the last, of the immortal War-

ren, notwithstanding the severity of its suffering and the magnitude of the dangers which threatened it, it was declared that this colony "is ready, at all times, to spend and to be spent in the cause of America."

But the hour drew nigh which was to put professions to the proof, and to determine whether the authors of these mutual pledges were ready to seal them in blood. The tidings of Lexington and Concord had no sooner spread, than it was universally felt that the time was at last come for action. A spirit pervaded all ranks, not transient, not boisterous, but deep, solemn, determined,

"totamque infusa per artus
Mens agitat molem, et magno se corpore miscet."

War, on their own soil, and at their own doors, was, indeed, a strange work to the yeomanry of New England; but their consciences were convinced of its necessity, their country called them to it, and they did not withhold themselves from the perilous trial. The ordinary occupations of life were abandoned; the plow was staid in the unfinished furrow; wives gave up their husbands, and mothers gave up their sons, to the battles of a civil war. Death might come, in honor, on the field; it might come, in disgrace, on the scaffold. For either and for both they were prepared. The sentiment of Quincy was full in their hearts. "Blandishments," said that distinguished son of genius and patriotism, "will not fascinate us, nor will threats of a halter intimidate; for, under God, we are determined that, wheresoever, whensoever, or howsoever we shall be called to make our exit, we will die free men."

The 17th of June saw the four New England colonies standing here, side by side, to triumph or to fall together; and there was with them from that moment to the end of the war, what I hope will remain with them forever, one cause, one country, one heart.

The battle of Bunker Hill was attended with the most important effects beyond its immediate results as a military engagement. It created at once a state of open, public war. There could now be no longer a question of proceeding against individuals, as guilty of treason or rebellion. That fearful crisis was past. The appeal now lay to the sword, and the only question was, whether the spirit and the resources of the people would hold out, till the object should be accomplished. Nor were its general consequences confined to our own country. The previous proceedings of the colonies, their appeals, resolutions, and addresses, had made their cause known to Europe. Without boasting, we may say, that in no age or country has the public cause been maintained with more force of argument, more power of illustration, or more of that persuasion which excited feeling and elevated principle can alone bestow, than the revolutionary state papers exhibit. These papers will forever deserve to be studied, not only for the spirit which they breathe, but for the ability with which they were written.

To this able vindication of their cause, the colonies had now added a practical and severe proof of their own true devotion to it, and evidence also, of the power which they could bring to its support. All now saw, that if America fell, she would not fall without a struggle. Men felt sympathy and regard, as well as surprise, when they beheld these infant states, remote, unknown, unaided, encounter the power of England, and, in the first considerable battle, leave more of their enemies dead on the field, in proportion to the number of combatants, than had recently been known to have fallen in the wars of Europe.

Information of these events, circulating through Europe, at length reached the ears of one who now hears me.* He has not forgotten the emotion which the fame of Bunker Hill and the name of Warren, excited in his youthful breast.

Sir, we are assembled to commemorate the establishment of

* General La Fayette.

great public principles of liberty, and to do honor to the distinguished dead. The occasion is too severe for eulogy to the living. But, sir, your interesting relation to this country, the peculiar circumstances which surround you and surround us, call on me to express the happiness which we derive from your presence, and aid in this solemn commemoration.

Fortunate, fortunate man! with what measure of devotion will you not thank God for the circumstances of your extraordinary life! You are connected with both hemispheres, and with two generations. Heaven saw fit to ordain that the electric spark of liberty should be conducted, through you, from the New World to the Old; and we, who are now here to perform this duty of patriotism, have all of us long ago received it in charge from our fathers to cherish your name and your virtues. You will account it an instance of your good fortune, sir, that you crossed the seas to visit us at a time which enables you to be present at this solemnity. You now behold the field, the renown of which reached you in the heart of France, and caused a thrill in your ardent bosom. You see the lines of the little redoubt thrown up by the incredible diligence of Prescott; defended, to the last extremity, by his lion-hearted valor; and, within which the corner-stone of our monument has now taken its position. You see where Warren fell, and where Parker, Gardner, McCleary, Moore, and other early patriots, fell with him. Those who survived that day, and whose lives have been prolonged to the present hour, are now around you. Some of them you have known in the trying scenes of the war. Behold! they now stretch forth their feeble arms to embrace you. Behold! they raise their trembling voices to invoke the blessing of God on you and yours forever.

Sir, you have assisted us in laying the foundation of this edifice. You have heard us rehearse, with our feeble commendation, the names of departed patriots. Sir, monuments and eulogy belong to the dead. We give them this day to Warren

and his associates. On other occasions, they have been given to your more immediate companions in arms, to Washington, to Greene, to Gates, Sullivan, and Lincoln. Sir, we have become reluctant to grant these, our highest and last honors, further. We would gladly hold them yet back from the little remnant of that immortal band. *Serus in cœlum redeas.* Illustrious as are your merits, yet far, O very far distant be the day, when any inscription shall bear your name, or any tongue pronounce its eulogy.

The leading reflection to which this occasion seems to invite us, respects the great changes which have happened in the fifty years since the battle of Bunker Hill was fought. And it peculiarly marks the character of the present age, that, in looking at these changes, and in estimating their effect on our condition, we are obliged to consider, not what has been done in our own country, only, but in others, also. In these interesting times, while nations are making separate and individual advances in improvement, they make, too, a common progress; like vessels on a common tide, propelled by the gales at different rates, according to their several structure and management, but all moved forward by one mighty current beneath, strong enough to bear onward whatever does not sink beneath it.

A chief distinction of the present day is a community of opinions and knowledge amongst men in different nations, existing in a degree heretofore unknown. Knowledge has, in our time, triumphed, and is triumphing, over distance, over difference of languages, over diversity of habits, over prejudice, and over bigotry. The civilized and christian world is fast learning the great lesson, that difference of nation does not imply necessary hostility, and that all contact need not be war. The whole world is becoming a common field for intellect to act in. Energy of mind, genius, power, wheresoever it exists, may speak out in any tongue, and the *world* will hear it. A great chord of sentiment and feeling runs through two continents, and vi-

brates over both. Every breeze wafts intelligence from country to country; every wave rolls it; all give it forth, and all in turn receive it. There is a vast commerce of ideas; there are marts and exchanges for intellectual discoveries, and a wonderful fellowship of those individual intelligences which make up the mind and opinion of the age. Mind is the great lever of all things; human thought is the process by which human ends are ultimately answered; and the diffusion of knowledge, so astonishing in the last half-century, has rendered innumerable minds, variously gifted by nature, competent to be competitors or fellow-workers on the theatre of intellectual operation.

From these causes important improvements have taken place in the personal condition of individuals. Generally speaking, mankind are not only better fed and better clothed, but they are able also to enjoy more leisure; they possess more refinement and more self-respect. A superior tone of education, manners and habits, prevails. This remark, most true in its application to our own country, is also partly true when applied elsewhere. It is proved by the vastly augmented consumption of those articles of manufacture and of commerce which contribute to the comforts and the decencies of life; an augmentation which has far outrun the progress of population. And while the unexampled and almost incredible use of machinery would seem to supply the place of labor, labor still finds its occupation and its reward; so wisely has Providence adjusted men's wants and desires to their condition and their capacity.

Any adequate survey, however, of the progress made in the last half-century in the polite and the mechanic arts, in machinery and manufactures, in commerce and agriculture, in letters and in science, would require volumes. I must abstain wholly from these subjects, and turn for a moment to the contemplation of what has been done on the great question of politics and government. This is the master topic of the age; and during the whole fifty years it has intensely occupied the

thoughts of men. The nature of civil government, its ends and uses, have been canvassed and investigated; ancient opinions attacked and defended; new ideas recommended and resisted, by whatever power the mind of man could bring to the controversy. From the closet and the public halls, the debate has been transferred to the field; and the world has been shaken by wars of unexampled magnitude, and the greatest variety of fortune. A day of peace has at length succeeded; and now that the strife has subsided, and the smoke cleared away, we may begin to see what has actually been done, permanently changing the state and condition of human society. And, without dwelling on particular circumstances, it is most apparent, that, from the before-mentioned causes of augmented knowledge and improved individual condition, a real, substantial, and important change has taken place, and is taking place, greatly beneficial, on the whole, to human liberty and human happiness.

The great wheel of political revolution began to move in America. Here its rotation was guarded, regular, and safe. Transferred to the other continent, from unfortunate but natural causes, it received an irregular and violent impulse; it whirled along with a fearful celerity; till at length, like the chariot-wheels in the races of antiquity, it took fire from the rapidity of its own motion, and blazed onward, spreading conflagration and terror around.

We learn from the result of this experiment, how fortunate was our own condition, and how admirably the character of our people was calculated for making the great example of popular governments. The possession of power did not turn the heads of the American people, for they had long been in the habit of exercising a great portion of self-control. Although the paramount authority of the parent state existed over them, yet a large field of legislation had always been open to our colonial assemblies. They were accustomed to representative bodies and the forms of free government; they understood the doctrine

of the division of power among different branches, and the necessity of checks on each. The character of our countrymen, moreover, was sober, moral, and religious; and there was little in the change to shock their feelings of justice and humanity, or even to disturb an honest prejudice. We had no domestic throne to overturn, no privileged orders to cast down, no violent changes of property to encounter. In the American revolution, no man sought or wished for more than to defend and enjoy his own. None hoped for plunder or for spoil. Rapacity was unknown to it; the ax was not among the instruments of its accomplishment; and we all know that it could not have lived a single day under any well-founded imputation of possessing a tendency adverse to the christian religion.

It need not surprise us, that, under circumstances less auspicious, political revolutions elsewhere, even when well intended, have terminated differently. It is, indeed, a great achievement, it is the master-work of the world, to establish governments entirely popular on lasting foundations; nor is it easy, indeed, to introduce the popular principle at all into governments to which it has been altogether a stranger. It cannot be doubted, however, that Europe has come out of the contest in which she has been so long engaged, with greatly superior knowledge, and, in many respects, a highly improved condition. Whatever benefit has been acquired is likely to be retained, for it consists mainly in the acquisition of more enlightened ideas. And although kingdoms and provinces may be wrested from the hands that hold them, in the same manner they were obtained; although ordinary and vulgar power may, in human affairs, be lost as it has been won; yet it is the glorious prerogative of the empire of knowledge, that what it gains it never loses. On the contrary, it increases by the multiple of its own power; all its ends become means; all its attainments, helps to new conquests. Its whole abundant harvest is but so much seed wheat, and no-

thing has ascertained, and nothing can ascertain, the amount of ultimate product.

Under the influence of this rapidly increasing knowledge, the people have begun, in all forms of government, to think, and to reason, on affairs of state. Regarding government as an institution for the public good, they demand a knowledge of its operations, and a participation in its exercise. A call for the representative system, wherever it is not enjoyed, and where there is already intelligence enough to estimate its value, is perseveringly made. Where men may speak out, they demand it; where the bayonet is at their throats, they pray for it.

When Louis XIV. said, "I am the state," he expressed the essence of the doctrine of unlimited power. By the rules of that system, the people are disconnected from the state; they are its subjects; it is their lord. These ideas, founded in the love of power, and long supported by the excess and the abuse of it, are yielding, in our age, to other opinions; and the civilized world seems at last to be proceeding to the conviction of that fundamental and manifest truth, that the powers of government are but a trust, and that they cannot be lawfully exercised but for the good of the community. As knowledge is more and more extended, this conviction becomes more and more general. Knowledge, in truth, is the great sun in the firmament. Life and power are scattered with all its beams. The prayer of the Grecian combatant, when enveloped in unnatural clouds and darkness, is the appropriate political supplication for people of every country not yet blessed with free institutions:

> "Dispel this cloud, the light of heaven restore,
> Give me to see—and Ajax asks no more."

We may hope that the growing influence of enlightened sentiments will promote the permanent peace of the world. Wars to maintain family alliances, to uphold or to cast down

dynasties, and to regulate successions to thrones, which have occupied so much room in the history of modern times, if not less likely to happen at all, will be less likely to become general and involve many nations, as the great principle shall be more and more established, that the interest of the world is peace, and its first great statute, that every nation possesses the power of establishing a government for itself. But public opinion has attained, also, an influence over governments which do not admit the popular principle into their organization. A necessary respect for the judgment of the world operates, in some measure, as a control over the most unlimited forms of authority. It is owing, perhaps, to this truth, that the interesting struggle of the Greeks has been suffered to go on so long, without a direct interference, either to wrest that country from its present masters, and add it to other powers, or to execute the system of pacification by force, and, with united strength, lay the neck of christian and civilized Greece at the foot of the barbarian Turk. Let us thank God that we live in an age when something has influence besides the bayonet, and when the sternest authority does not venture to encounter the scorching power of public reproach. Any attempt of the kind I have mentioned should be met by one universal burst of indignation; the air of the civilized world ought to be made too warm to be comfortably breathed by any one who would hazard it.

It is, indeed, a touching reflection that, while, in the fulness of our country's happiness, we rear this monument to her honor, we look for instruction in our undertaking to a country which is now in fearful contest, not for works of art or memorials of glory, but for her own existence. Let her be assured that she is not forgotten in the world; that her efforts are applauded, and that constant prayers ascend for her success. And let us cherish a confident hope for her final triumph. If the true spark of religious and civil liberty be kindled, it will burn. Human agency cannot extinguish it. Like the earth's central fire, it

may be smothered for a time; the ocean may overwhelm it; mountains may press it down; but its inherent and unconquerable force will heave both the ocean and the land, and at some time or other, in some place or other, the volcano will break out and flame up to heaven.

Among the great events of the half-century, we must reckon, certainly, the revolution of South America; and we are not likely to overrate the importance of that revolution, either to the people of the country itself, or to the rest of the world. The late Spanish colonies, now independent states, under circumstances less favorable, doubtless, than attended our own revolution, have yet successfully commenced their national existence. They have accomplished the great object of establishing their independence; they are known and acknowledged in the world; and although, in regard to their systems of government, their sentiments on religious toleration, and their provisions for public instruction, they may have yet much to learn, it must be admitted that they have risen to the condition of settled and established states more rapidly than could have been reasonably anticipated. They already furnish an exhilarating example of the difference between free governments and despotic misrule. Their commerce, at this moment, creates a new activity in all the great marts of the world. They show themselves able, by an exchange of commodities, to bear an useful part in the intercourse of nations.

A new spirit of enterprise and industry begins to prevail; all the great interests of society receive a salutary impulse; and the progress of information not only testifies to an improved condition, but constitutes, itself, the highest and most essential improvement.

When the battle of Bunker Hill was fought, the existence of South America was scarcely felt in the civilized world. The thirteen little colonies of North America habitually called themselves the "continent." Borne down by colonial subjugation,

monopoly, and bigotry, these vast regions of the south were hardly visible above the horizon. But in our day there has been, as it were, a new creation. The southern hemisphere emerges from the sea. Its lofty mountains begin to lift themselves into the light of heaven; its broad and fertile plains stretch out, in beauty, to the eye of civilized man, and at the mighty bidding of the voice of political liberty the waters of darkness retire.

And, now, let us indulge an honest exultation in the conviction of the benefit which the example of our country has produced, and is likely to produce, on human freedom and human happiness. Let us endeavor to comprehend in all its magnitude, and to feel in all its importance, the part assigned to us in the great drama of human affairs. We are placed at the head of the system of representative and popular governments. Thus far our example shows that such governments are compatible, not only with respectability and power, but with repose, with peace, with security of personal rights, with good laws, and a just administration.

We are not propagandists. Wherever other systems are preferred, either as being thought better in themselves, or as better suited to existing condition, we leave the preference to be enjoyed. Our history hitherto proves, however, that the popular form is practicable, and that with wisdom and knowledge men may govern themselves; and the duty incumbent on us is, to preserve the consistency of this cheering example, and take care that nothing may weaken its authority with the world. If, in our case, the representative system ultimately fail, popular governments must be pronounced impossible. No combination of circumstances more favorable to the experiment can ever be expected to occur. The last hopes of mankind, therefore, rest with us; and if it should be proclaimed, that our example had become an argument against the

experiment, the knell of popular liberty would be sounded throughout the earth.

These are excitements to duty; but they are not suggestions of doubt. Our history and our condition, all that is gone before us, and all that surrounds us, authorize the belief, that popular governments, though subject to occasional variations, perhaps not always for the better, in form, may yet, in their general character, be as durable and permanent as other systems. We know, indeed, that in our country any other is impossible. The *principle* of free governments adheres to the American soil. It is bedded in it, immovable as its mountains.

And let the sacred obligations which have devolved on this generation, and on us, sink deep into our hearts. Those are daily dropping from among us who established our liberty and our government. The great trust now descends to new hands. Let us apply ourselves to that which is presented to us, as our appropriate object. We can win no laurels in a war for independence. Earlier and worthier hands have gathered them all. Nor are there places for us by the side of Solon, and Alfred, and other founders of states. Our fathers have filled them. But there remains to us a great duty of defense and preservation: and there is opened to us, also, a noble pursuit, to which the spirit of the times strongly invites us. Our proper business is improvement. Let our age be the age of improvement. In a day of peace, let us advance the arts of peace and the works of peace. Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests, and see whether we also, in our day and generation, may not perform something worthy to be remembered. Let us cultivate a true spirit of union and harmony. In pursuing the great objects which our condition points out to us, let us act under a settled conviction, and an habitual feeling, that these twenty-four states are one country. Let our conceptions be

enlarged to the circle of our duties. Let us extend our ideas over the whole of the vast field in which we are called to act. Let our object be, OUR COUNTRY, OUR WHOLE COUNTRY, AND NOTHING BUT OUR COUNTRY. And, by the blessing of God, may that country itself become a vast and splendid monument, not of oppression and terror, but of wisdom, of peace, and of liberty, upon which the world may gaze with admiration forever!

WEBSTER'S MASTER-PIECE

AS

A FUNERAL ORATOR.

EULOGY ON ADAMS AND JEFFERSON.

INTRODUCTORY NOTE.

The circumstances under which this great oration was delivered, have been given in the first volume of this work At the time of its delivery, the orator was nearly *forty-four* years of age.

ADAMS AND JEFFERSON.

DISCOURSE IN COMMEMORATION OF THE LIVES AND SERVICES OF JOHN ADAMS AND THOMAS JEFFERSON, DELIVERED IN FANEUIL HALL, AUGUST 2, 1826.

This is an unaccustomed spectacle. For the first time, fellow-citizens, badges of mourning shroud the columns and overhang the arches of this hall. These walls, which were consecrated, so long ago, to the cause of American liberty, which witnessed her infant struggles, and rung with the shouts of her earliest victories, proclaim, now, that distinguished friends and champions of that great cause have fallen. It is right that it should be thus. The tears which flow, and the honors that are paid, when the founders of the republic die, give hope that the republic itself may be immortal. It is fit that, by public assembly and solemn observance, by anthem and by eulogy, we commemorate the services of national benefactors, extol their virtues, and render thanks to God for eminent blessings, early given and long continued, to our favored country.

Adams and Jefferson are no more; and we are assembled, fellow-citizens, the aged, the middle-aged, and the young, by the spontaneous impulse of all, under the authority of the municipal government, with the presence of the chief-magistrate of the commonwealth, and others its official representatives, the university, and the learned societies, to bear our part in those manifestations of respect and gratitude which universally pervade the land. Adams and Jefferson are no more. On our fiftieth anniversary, the great day of national jubilee, in the very hour of public rejoicing, in the midst of echoing and reëchoing voices of thanksgiving, while their own names were

on all tongues, they took their flight together to the world of spirits.

If it be true that no one can safely be pronounced happy while he lives, if that event which terminates life can alone crown its honors and its glory, what felicity is here! The great epic of their lives, how happily concluded! Poetry itself has hardly closed illustrious lives, and finished the career of earthly renown, by such a consummation. If we had the power, we could not wish to reverse this dispensation of the Divine Providence. The great objects of life were accomplished, the drama was ready to be closed. It has closed; our patriots have fallen; but so fallen, at such age, with such coindence, on such a day, that we cannot rationally lament that that end has come, which we know could not long be deferred.

Neither of these great men, fellow-citizens, could have died, at any time, without leaving an immense void in our American society. They have been so intimately, and for so long a time, blended with the history of the country, and especially so united, in our thoughts and recollections, with the events of the revolution, that the death of either would have touched the strings of public sympathy. We should have felt that one great link, connecting us with former times, was broken; that we had lost something more, as it were, of the presence of the revolution itself, and of the act of independence, and were driven on, by another great remove, from the days of our country's early distinction, to meet posterity, and to mix with the future. Like the mariner, whom the ocean and the winds carry along, till he sees the stars which have directed his course and lighted his pathless way descend, one by one, beneath the rising horizon, we should have felt that the stream of time had borne us onward till another great luminary, whose light had cheered us and whose guidance we had followed, had sunk away from our sight.

But the concurrence of their death on the anniversary of in-

dependence has naturally awakened stronger emotions. Both had been presidents, both had lived to great age, both were early patriots, and both were distinguished and ever honored by their immediate agency in the act of independence. It cannot but seem striking and extraordinary, that these two should live too see the fiftieth year from the date of that act; that they should complete that year; and that then, on the day which had fast linked forever their own fame with their country's glory, the heavens should open to receive them both at once. As their lives themselves were the gifts of Providence, who is not willing to recognize in their happy termination, as well as in their long continuance, proofs that our country and its benefactors are objects of His care?

Adams and Jefferson, I have said, are no more. As human beings, indeed, they are no more. They are no more, as in 1776, bold and fearless advocates of independence; no more, as on subsequent periods, the head of the government; no more, as we have recently seen them, aged and venerable objects of admiration and regard. They are no more. They are dead. But how little is there of the great and good which can die! To their country they yet live, and live forever. They live in all that perpetuates the remembrance of men on earth; in the recorded proofs of their own great actions, in the offspring of their intellect, in the deep-engraved lines of public gratitude, and in the respect and homage of mankind. They live in their example; and they live, emphatically, and will live, in the influence which their lives and efforts, their principles and opinions, now exercise, and will continue to exercise, on the affairs of men, not only in their own country, but throughout the civilized world. A superior and commanding human intellect, a truly great man, when Heaven vouchsafes so rare a gift, is not a temporary flame, burning bright for a while, and then expiring, giving place to returning darkness. It is rather a spark of fervent heat, as well as radiant light, with power to enkindle

the common mass of human mind; so that when it glimmers in its own decay, and finally goes out in death, no night follows, but it leaves the world all light, all on fire, from the potent contact of its own spirit. Bacon died; but the human understanding, roused by the touch of his miraculous wand to a perception of the true philosophy and the just mode of inquiring after truth, has kept on its course successfully and gloriously. Newton died; yet the courses of the spheres are still known, and they yet move on in the orbits which he saw, and described for them, in the infinity of space.

No two men now live, fellow-citizens, perhaps it may be doubted whether any two men have ever lived in one age, who, more than those we now commemorate, have impressed their own sentiments, in regard to politics and government, on mankind, infused their own opinions more deeply into the opinions of others, or given a more lasting direction to the current of human thought. Their work doth not perish with them. The tree which they assisted to plant will flourish, altough they water it and protect it no longer; for it has struck its roots deep, it has sent them to the very center; no storm, not of force to burst the orb, can overturn it; its branches spread wide; they stretch their protecting arms broader and broader, and its top is destined to reach the heavens. We are not deceived. There is no delusion here. No age will come in which the American revolution will appear less than it is, one of the greatest events in human history. No age will come in which it will cease to be seen and felt, on either continent, that a mighty step, a great advance, not only in American affairs, but in human affairs, was made on the 4th of July, 1776. And no age will come, we trust, so ignorant or so unjust as not to see and acknowledge the efficient agency of these we now honor in producing that momentous event.

We are not assembled, therefore, fellow-citizens, as men overwhelmed with calamity by the sudden disruption of the ties of

friendship or affection, or as in despair for the republic by the untimely blighting of its hopes. Death has not surprised us by an unseasonable blow. We have, indeed, seen the tomb close, but it has closed only over mature years, over long-protracted public service, over the weakness of age, and over life itself only when the ends of living had been fulfilled. These suns, as they rose slowly and steadily, amidst clouds and storms, in their ascendant, so they have not rushed from their meridian to sink suddenly in the west. Like the mildness, the serenity, the continuing benignity of a summer's day, they have gone down with slow-descending, grateful, long-lingering light; and now that they are beyond the visible margin of the world, good omens cheer us from "the bright track of their fiery car!"

There were many points of similarity in the lives and fortunes of these great men. They belonged to the same profession, and had pursued its studies and its practice, for unequal lengths of time indeed, but with diligence and effect. Both were learned and able lawyers. They were natives and inhabitants, respectively, of those two of the colonies which at the revolution were the largest and most powerful, and which naturally had a lead in the political affairs of the times. When the colonies became in some degree united, by the assembling of a general congress, they were brought to act together in its deliberations, not indeed at the same time, but both at early periods. Each had already manifested his attachment to the cause of the country, as well as his ability to maintain it, by printed addresses, public speeches, extensive correspondence, and whatever other mode could be adopted for the purpose of exposing the encroachments of the British parliament, and animating the people to a manly resistance. Both were not only decided, but early, friends of independence. While others yet doubted, they were resolved; where others hesitated, they pressed forward. They were both members of the committee

for preparing the declaration of independence, and they constituted the sub-committee appointed by the other members to make the draft. They left their seats in congress, being called to other public employment, at periods not remote from each other, although one of them returned to it afterward for a short time. Neither of them was of the assembly of great men which formed the present constitution, and neither was at any time member of congress under its provisions. Both have been public ministers abroad, both vice-presidents and both presidents. These coincidences are now singularly crowned and completed. They have died together; and they died on the anniversary of liberty.

When many of us were last in this place, fellow-citizens, it was on the day of that anniversary. We were met to enjoy the festivities belonging to the occasion, and to manifest our grateful homage to our political fathers. We did not, we could not here, forget our venerable neighbor of Quincy. We knew that we were standing, at a time of high and palmy prosperity, where he had stood in the hour of utmost peril; that we saw nothing but liberty and security, where he had met the frown of power; that we were enjoying everything, where he had hazarded everything; and just and sincere plaudits rose to his name, from the crowds which filled this area, and hung over these galleries. He whose grateful duty it was to speak to us,* on that day, of the virtues of our fathers, had, indeed, admonished us that time and years were about to level his venerable frame with the dust. But he bade us hope that "the sound of a nation's joy, rushing from our cities, ringing from our valleys, echoing from our hills, might yet break the silence of his aged ear; that the rising blessings of grateful millions might yet visit with glad light his decaying vision." Alas! that vision was then closing forever. Alas! the silence which was then settling on that aged ear was an everlasting silence! For, lo!

*Hon. Josiah Quincy.

in the very moment of our festivities, his freed spirit ascended to God who gave it! Human aid and human solace terminate at the grave; or we would gladly have borne him upward, on a nation's outspread hands; we would have accompanied him, and with the blessings of millions and the prayers of millions, commended him to the Divine favor.

While still indulging our thoughts, on the coincidence of the death of this venerable man with the anniversary of independence, we learn that Jefferson, too, has fallen; and that these aged patriots, these illustrious fellow-laborers, have left our world together. May not such events raise the suggestion that they are not undesigned, and that Heaven does so order things, as sometimes to attract strongly the attention and excite the thoughts of men? The occurrence has added new interest to our anniversary, and will be remembered in all time to come.

The occasion, fellow-citizens, requires some account of the lives and services of John Adams and Thomas Jefferson. This duty must necessarily be performed with great brevity, and in the discharge of it I shall be obliged to confine myself, principally, to those parts of their history and character which belonged to them as public men.

John Adams was born at Quincy, then part of the ancient town of Braintree, on the 19th of October, (old style,) 1735. He was a descendant of the Puritans, his ancestors having early emigrated from England, and settled in Massachusetts. Discovering early a strong love of reading and of knowledge, together with marks of great strength and activity of mind, proper care was taken by his worthy father to provide for his education. He pursued his youthful studies in Braintree, under Mr. Marsh, a teacher whose fortune it was that Josiah Quincy, Jr., as well as the subject of these remarks, should receive from him his instruction in the rudiments of classical literature. Having been admitted, in 1751, a member of Harvard College,

Mr. Adams was graduated, in course, in 1755; and on the catalogue of that institution, his name, at the time of his death, was second among the living alumni, being preceded only by that of the venerable Holyoke. With what degree of reputation he left the university is not now precisely known. We know only that he was distinguished in a class which numbered Locke and Hemmenway among its members. Choosing the law for his profession, he commenced and prosecuted its studies at Worcester, under the direction of Samuel Putnam, a gentleman whom he has himself described as an acute man, an able and learned lawyer, and as in large professional practice at that time. In 1758 he was admitted to the bar, and commenced business in Braintree. He is understood to have made his first considerable effort, or to have attained his first signal success, at Plymouth, on one of those occasions which furnish the earliest opportunity for distinction to many young men of the profession, a jury trial, and a criminal cause. His business naturally grew with his reputation, and his residence in the vicinity afforded the opportunity, as his growing eminence gave the power, of entering on the large field of practice which the capital presented. In 1766 he removed his residence to Boston, still continuing his attendance on the neighboring circuits, and not unfrequently called to remote parts of the province. In 1770 his professional firmness was brought to a test of some severity, on the application of the British officers and soldiers to undertake their defense, on the trial of the indictments found against them on account of the transactions of the memorable 5th of March. He seems to have thought, on this occasion, that a man can no more abandon the proper duties of his profession, than he can abandon other duties. The event proved, that, as he judged well for his own reputation, he judged well, also, for the interest and permanent fame of his country. The result of that trial proved, that, notwithstanding the high degree of excitement then existing in consequence of the meas-

ures of the British government, a jury of Massachusetts would not deprive the most reckless enemies, even the officers of that standing army quartered among them, which they so perfectly abhorred, of any part of that protection which the law, in its mildest and most indulgent interpretation, afforded to persons accused of crimes.

Without pursuing Mr. Adams's professional course further, suffice it to say, that on the first establishment of the judicial tribunals under the authority of the state, in 1776, he received an offer of the high and responsible station of chief-justice of the supreme court of his state. But he was destined for another and a different career. From early life the bent of his mind was toward politics; a propensity which the state of the times, if it did not create, doubtless very much strengthened. Public subjects must have occupied the thoughts and filled up the conversation in the circles in which he then moved; and the interesting questions at that time just arising could not but seize on a mind like his, ardent, sanguine, and patriotic. The letter, fortunately preserved, written by him at Worcester, so early as the 12th of October, 1755, is a proof of very comprehensive views, and uncommon depth of reflection, in a young man not yet quite twenty. In this letter he predicted the transfer of power, and the establishment of a new seat of empire in America; he predicted, also, the increase of population in the colonies; and anticipated their naval distinction, and foretold that all Europe combined could not subdue them. All this is said, not on a public occasion or for effect, but in the style of sober and friendly correspondence, as the result of his own thoughts. "I sometimes retire," said he, at the close of the letter, "and, laying things together, form some reflections pleasing to myself. The produce of one of these reveries you have read above."* This prognostication so early in his own life, so

* Extract of a letter written by John Adams, dated at Worcester, Massachusetts, October 12, 1755:

"Soon after the reformation, a few people came over into this New World, for con-

early in the history of the country, of independence, of vast increase of numbers, of naval force, of such augmented power as might defy all Europe, is remarkable. It is more remarkable that its author should live to see fulfilled to the letter what could have seemed to others, at the time, but the extravagance of youthful fancy. His earliest political feelings were thus strongly American, and from this ardent attachment to his native soil he never departed.

While still living at Quincy, and at the age of twenty-four, Mr. Adams was present, in this town, on the argument before the supreme court respecting *Writs of Assistance*, and heard the celebrated and patriotic speech of James Otis. Unquestionably, that was a masterly performance. No flighty declamation about liberty, no superficial discussion of popular topics, it was a learned, penetrating, convincing, constitutional argument, expressed in a strain of high and resolute patriotism. He grasped the question then pending between England and her colonies with the strength of a lion; and if he sometimes sported, it was only because the lion himself is sometimes playful. Its success appears to have been as great as its merits, and its impression was widely felt. Mr. Adams himself seems never to have lost the feeling it produced, and to have entertained constantly the fullest conviction of its important effects. "I do say," he observes, "in the most solemn manner, that

science' sake. Perhaps this apparently trivial incident may transfer the great seat of empire into America. It looks likely to me; for, if we can remove the turbulent Gallics, our people, according to the exactest computations, will, in another century, become more numerous than England itself. Should this be the case, since we have, I may say, all the naval stores of the nation in our hands, it will be easy to obtain a mastery of the seas; and then the united force of all Europe will not be able to subdue us. The only way to keep us from setting up for ourselves is to disunite us.

"Be not surprised that I am turned politician. This whole town is immersed in politics. The interests of nations, and all the *dira* of war, make the subject of every conversation. I sit and hear, and after having been led through a maze of sage observations, I sometimes retire, and, laying things together, form some reflections pleasing to myself. The produce of one of these reveries you have read above."

Mr. Otis's Oration against Writs of Assistance breathed into this nation the breath of life."

In 1765 Mr. Adams laid before the public, what I suppose to be his first printed performance, except essays for the periodical press, A Dissertation on the Canon and Feudal Law. The object of this work was to show that our New England ancestors, in consenting to exile themselves from their native land, were actuated mainly by the desire of delivering themselves from the power of the hierarchy, and from the monarchical and aristocratical political systems of the other continent; and to make this truth bear with effect on the politics of the times. Its tone is uncommonly bold and animated for that period. He calls on the people, not only to defend, but to study and understand, their rights and privileges; urges earnestly the necessity of diffusing general knowledge; invokes the clergy and the bar, the colleges and academies, and all others who have the ability and the means to expose the insidious designs of arbitrary power, to resist its approaches, and to be persuaded that there is a settled design on foot to enslave all America. "Be it remembered," says the author, "that liberty must, at all hazards, be supported. We have a right to it, derived from our Maker. But if we had not, our fathers have earned it and bought it for us, at the expense of their ease, their estates, their pleasure, and their blood. And liberty cannot be preserved without a general knowledge among the people, who have a right, from the frame of their nature, to knowledge, as their great Creator, who does nothing in vain, has given them understandings and a desire to know. But, besides this, they have a right, an indisputable, unalienable, indefeasible right, to that most dreaded and envied kind of knowledge, I mean of the character and conduct of their rulers. Rulers are no more than attorneys, agents, and trustees of the people; and if the cause, the interest and trust, is insidiously betrayed, or wantonly trifled away, the people have a right to revoke the au-

thority that they themselves have deputed, and to constitute other and better agents, attorneys, and trustees."

The citizens of this town conferred on Mr. Adams his first political distinction, and clothed him with his first political trust, by electing him one of their representatives, in 1770. Before this time he had become extensively known throughout the province, as well by the part he had acted in relation to public affairs, as by the exercise of his professional ability. He was among those who took the deepest interest in the controversy with England, and whether in or out of the legislature, his time and talents were alike devoted to the cause. In the years 1773 and 1774 he was chosen a councilor by the members of the general court, but rejected by Governor Hutchinson in the former of those years, and by Governor Gage in the latter.

The time was now at hand, however, when the affairs of the colonies urgently demanded united counsels. An open rupture with the parent state appeared inevitable, and it was but the dictate of prudence that those who were united by a common interest and a common danger, should protect that interest and guard against that danger by united efforts. A general congress of delegates from all the colonies having been proposed and agreed to, the house of representatives, on the 17th of June, 1774, elected James Bowdoin, Thomas Cushing, Samuel Adams, John Adams, and Robert Treat Paine, delegates from Massachusetts. This appointment was made at Salem, where the general court had been convened by Governor Gage, in the last hour of the existence of a house of representatives under the provincial charter. While engaged in this important business, the governor, having been informed of what was passing, sent his secretary with a message dissolving the general court. The secretary, finding the door locked, directed the messenger to go in and inform the speaker that the secretary was at the door with a message from the governor. The messenger re-

turned, and informed the secretary that the orders of the house were that the doors should be kept fast; whereupon the secretary soon after read a proclamation, dissolving the general court, upon the stairs. Thus terminated, forever, the actual exercise of the political power of England in or over Massachusetts. The four last named delegates accepted their appointments, and took their seats in congress the first day of its meeting, September 5th, 1774, in Philadelphia.

The proceedings of the first congress are well known, and have been universally admired. It is in vain that we would look for superior proofs of wisdom, talent, and patriotism. Lord Chatham said that, for himself, he must declare that he had studied and admired the free states of antiquity, the master states of the world, but that, for solidity of reasoning, force of sagacity, and wisdom of conclusion, no body of men could stand in preference to this congress. It is hardly inferior praise to say that no production of that great man himself can be pronounced superior to several of the papers published as the proceedings of this most able, most firm, most patriotic assembly. There is, indeed, nothing superior to them in the range of political disquisition. They not only embrace, illustrate and enforce everything which political philosophy, the love of liberty, and the spirit of free inquiry had antecedently produced, but they add new and striking views of their own, and apply the whole, with irresistible force, in support of the cause which had drawn them together.

Mr. Adams was a constant attendant on the deliberations of this body, and bore an active part in its important measures. He was of the committee to state the rights of the colonies, and of that, also, which reported the Address to the King.

As it was in the continental congress, fellow-citizens, that those whose deaths have given rise to this occasion were first brought together, and called on to unite their industry and their ability in the service of the country, let us now turn to the

other of these distinguished men, and take a brief notice of his life up to the period when he appeared within the walls of congress.

Thomas Jefferson, descended from ancestors who had been settled in Virginia for some generations, was born near the spot on which he died, in the county of Albemarle, on the 2d of April, (old style,) 1743. His youthful studies were pursued in the neighborhood of his father's residence, until he was removed to the College of William and Mary, the highest honors of which he in due time received. Having left the college with reputation, he applied himself to the study of the law under the tuition of George Wythe, one of the highest judicial names of which that state can boast. At an early age, he was elected a member of the legislature, in which he had no sooner appeared than he distinguished himself by knowledge, capacity, and promptitude.

Mr. Jefferson appears to have been imbued with an early love of letters and science, and to have cherished a strong disposition to pursue these objects. To the physical sciences, especially, and to ancient classic literature, he is understood to have had a warm attachment, and never entirely to have lost sight of them in the midst of the busiest occupations. But the times were times for action, rather than for contemplation. The country was to be defended, and to be saved, before it could be enjoyed. Philosophic leisure and literary pursuits, and even the objects of professional attention, were all necessarily postponed to the urgent calls of the public service. The exigency of the country made the same demand on Mr. Jefferson that it made on others who had the ability and the disposition to serve it; and he obeyed the call; thinking and feeling in this respect with the great Roman orator: "Quis enim est tam cupidus in perspicienda cognoscendaque rerum natura, ut, si ei tractanti contemplantique res cognitione dignissimas subito sit allatum periculum discrimenque patriæ, cui subvenire opitularique pos-

sit, non illa omnia relinquat atque abjiciat, etiam si dinumerare se stellas, aut metiri mundi magnitudinem posse arbitretur ?"

Entering with all his heart into the cause of liberty, his ability, patriotism, and power with the pen, naturally drew upon him a large participation in the most important concerns. Wherever he was, there was found a soul devoted to the cause, power to defend and maintain it, and willingness to incur all its hazards. In 1774 he published a Summary View of the Rights of British America, a valuable production among those intended to show the dangers which threatened the liberties of the country, and to encourage the people in their defense. In June, 1775, he was elected a member of the continental Congress, as successor to Peyton Randolph, who had retired on account of ill health, and took his seat in that body on the 21st of the same month.

And now, fellow-citizens, without pursuing the biography of these illustrious men further, for the present, let us turn our attention to the most prominent act of their lives, their participation in the DECLARATION OF INDEPENDENCE.

Preparatory to the introduction of that important measure, a committee, at the head of which was Mr. Adams, had reported a resolution, which congress adopted the 10th of May, recommending, in substance, to all the colonies which had not already established governments suited to the exigences of their affairs, *to adopt such government as would, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and America in general.*

This significant vote was soon followed by the direct proposition which Richard Henry Lee had the honor to submit to Congress, by resolution, on the 7th day of June. The published journal does not expressly state it, but there is no doubt, I suppose, that this resolution was in the same words when originally submitted by Mr. Lee, as when finally passed. Having been

discussed on Saturday, the 8th, and Monday, the 10th of June, this resolution was on the last-mentioned day postponed for further consideration to the first day of July; and at the same time, it was voted that a committee be appointed to prepare a Declaration to the effect of the resolution. This committee was elected by ballot, on the following day, and consisted of Thomas Jefferson, John Adams, Benjamin Franklin, Roger Sherman, and Robert R. Livingston.

It is usual, when committees are elected by ballot, that their members are arranged in order, according to the number of votes which each has received. Mr. Jefferson, therefore, had received the highest, and Mr. Adams the next highest number of votes. The difference is said to have been but of a single vote. Mr. Jefferson and Mr. Adams, standing thus at the head of the committee, were requested by the other members to act as a sub-committee to prepare the draft; and Mr. Jefferson drew up the paper. The original draft, as brought by him from his study, and submitted to the other members of the committee, with interlineations in the handwriting of Dr. Franklin, and others in that of Mr. Adams, was in Mr. Jefferson's possession at the time of his death. The merit of this paper is Mr. Jefferson's. Some changes were made in it on the suggestion of other members of the committee, and others by congress while it was under discussion. But none of them altered the tone, the frame, the arrangement, or the general character of the instrument. As a composition, the Declaration is Mr. Jefferson's. It is the production of his mind, and the high honor of it belongs to him, clearly and absolutely.

It has sometimes been said, as if it were a derogation from the merits of this paper, that it contains nothing new; that it only states grounds of proceeding, and presses topics of argument, which had often been stated and pressed before. But it was not the object of the Declaration to produce any thing new. It was not to invent reasons for independence, but to state those

which governed the congress. For great and sufficient causes, it was proposed to declare independence; and the proper business of the paper to be drawn was to set forth those causes, and justify the authors of the measure, in any event of fortune, to the country, and to posterity. The cause of American independence, moreover, was now to be presented to the world in such manner, if it might so be, as to engage its sympathy, to command its respect, to attract its admiration; and in an assembly of most able and distinguished men, Thomas Jefferson had the high honor of being the selected advocate of this cause. To say that he performed his great work well, would be doing him injustice. To say that he did excellently well, admirably well, would be inadequate and halting praise. Let us rather say that he so discharged the duty assigned him, that all Americans may well rejoice that the work of drawing the title-deed of their liberties devolved on his hands.

With all its merits, there are those who have thought that there was one thing in the declaration to be regretted; and that is, the asperity and apparent anger with which it speaks of the person of the king; the industrious ability with which it accumulates and charges upon him all the injuries which the colonies had suffered from the mother country. Possibly some degree of injustice, now or hereafter, at home or abroad, may be done to the character of Mr. Jefferson, if this part of the declaration be not placed in its proper light. Anger or resentment, certainly much less personal reproach and invective, could not properly find place in a composition of such high dignity, and of such lofty and permanent character.

A single reflection on the original ground of dispute between England and the colonies, is sufficient to remove any unfavorable impression in this respect.

The inhabitants of all the colonies, while colonies, admitted themselves bound by their allegiance to the king; but they disclaimed altogether, the authority of parliament; holding

themselves, in this respect, to resemble the condition of Scotland and Ireland before the respective unions of those kingdoms with England, when they acknowledged allegiance to the same king, but each had its separate legislature. The tie, therefore, which our revolution was to break, did not subsist between us and the British parliament, or between us and the British government, in the aggregate, but directly between us and the king himself. The colonies had never admitted themselves subject to parliament. That was precisely the point of the original controversy. They had uniformly denied that parliament had authority to make laws for them. There was, therefore, no subjection to parliament to be thrown off.* But allegiance to the king did exist, and had been uniformly acknowledged; and down to 1775, the most solemn assurances had been given that it was not intended to break that allegiance, or to throw it off. Therefore, as the direct object and only effect of the declaration, according to the principles on which the controversy had been maintained on our part, were to sever the tie of allegiance which bound us to the king, it was properly and necessarily founded on acts of the crown itself, as its justyfying causes. Parliament is not so much as mentioned in the whole instrument. When odious and oppressive acts are referred to, it is done by charging the king with confederating with others "in pretended acts of legislation;" the object being constantly to hold the king himself directly responsible for those measures which were the grounds of separation. Even the precedent of

* This question, of the power of parliament over the colonies, was discussed with singular ability, by Governor Hutchinson on the one side, and the house of representatives of Massachusetts on the other, in 1773. The argument of the house is in the form of an answer to the governor's message, and was reported by Mr. Samuel Adams, Mr. Hancock, Mr. Hawley, Mr. Bowers, Mr. Hobson, Mr. Foster, Mr. Phillips, and Mr. Thayer. As the power of the parliament had been acknowledged, so far, at least, as to affect us by laws of trade, it was not easy to settle the line of distinction. It was thought, however, to be very clear that the charters of the colonies had exempted them from the general legislation of the British parliament. See Massachusetts State Papers, p. 351

the English revolution was not overlooked, and in this case as well as in that, occasion was found to say that the king had *abdicated* the government. Consistency with the principles upon which resistance began, and with all the previous state papers issued by congress, required that the declaration should be bottomed on the misgovernment of the king; and therefore it was properly framed with that aim and to that end. The king was known, indeed, to have acted, as in other cases, by his ministers, and with his parliament; but as our ancestors had never admitted themselves subject either to ministers or to parliament, there were no reasons to be given for now refusing obedience to their authority. This clear and obvious necessity of founding the declaration on the misconduct of the king himself, gives to that instrument its personal application, and its character of direct and pointed accusation.

The declaration having been reported to congress by the committee, the resolution itself was taken up and debated on the first day of July, and again on the second, on which last day, it was agreed to and adopted, in these words:

"*Resolved*, That these united colonies are, and of right ought to be, free and independent states; that they are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved."

Having thus passed the main resolution, congress proceeded to consider the reported draft of the declaration. It was discussed on the second, and third, and FOURTH days of the month, in committee of the whole; and on the last of those days, being reported from that committee, it received the final approbation and sanction of congress. It was ordered, at the same time, that copies be sent to the several states, and that it be proclaimed at the head of the army. The declaration thus published, did not bear the names of the members, for as yet, it had not been signed by them. It was authenticated, like

other papers of the congress, by the signatures of the president and secretary. On the 19th of July, as appears by the secret journal, congress "*Resolved*, That the declaration, passed on the fourth, be fairly engrossed on parchment, with the title and style of 'THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED STATES OF AMERICA;' and that the same, when engrossed, be signed by every member of congress." And on the SECOND day of August following, "the declaration being engrossed, and compared at the table, was signed by the members." So that it happens, fellow-citizens, that we pay these honors to their memory on the anniversary of that day, on which these great men actually signed their names to the declaration. The declaration was thus made, that is, it passed and was adopted as an act of congress, on the fourth of July; it was then signed, and certified by the president and secretary, like other acts. The FOURTH OF JULY, therefore, is the anniversary of the declaration. But the signatures of the members present were made to it, being then engrossed on parchment, on the second day of August. Absent members afterwards signed, as they came in; and indeed it bears the names of some who were not chosen members of congress until after the fourth of July. The interest belonging to the subject will be sufficient, I hope, to justify these details.

The congress of the revolution, fellow-citizens, sat with closed doors, and no report of its debates was ever taken. The discussion, therefore, which accompanied this great measure, has never been preserved, except in memory and by tradition. But it is, I believe, doing no injustice to others to say that the general opinion was, and uniformly has been, that in debate, on the side of independence, John Adams had no equal. The great author of the declaration himself has expressed that opinion uniformly and strongly. "John Adams," said he, in the hearing of him who has now the honor to address you, "John Adams was our colossus on the floor. Not graceful, not elegant,

not always fluent, in his public addresses, he yet came out with a power, both of thought and of expression, which moved us from our seats."

For the part which he was here to perform, Mr. Adams doubtless was eminently fitted. He possessed a bold spirit, which disregarded danger, and a sanguine reliance on the goodness of the cause, and the virtues of the people, which led him to overlook all obstacles. His character, too, had been formed in troubled times. He had been rocked in the early storms of the controversy, and had acquired a decision and a hardihood proportioned to the severity of the discipline which he had undergone.

He not only loved the American cause devoutly, but had studied and understood it. It was all familiar to him. He had tried his powers on the questions which it involved, often and in various ways; and had brought to their consideration whatever of argument or illustration the history of his own country, the history of England, or the stores of ancient or of legal learning could furnish. Every grievance enumerated in the long catalogue of the declaration had been the subject of his discussion, and the object of his remonstrance and reprobation. From 1760, the colonies, the rights of the colonies, the liberties of the colonies, and the wrongs inflicted on the colonies, had engaged his constant attention; and it has surprised those who have had the opportunity of observing, with what full remembrance and with what prompt recollection he could refer, in his extreme old age, to every act of parliament affecting the colonies, distinguishing and stating their respective titles, sections, and provisions; and to all the colonial memorials, remonstrances and petitions, with whatever else belonged to the intimate and exact history of the times from that year to 1775. It was, in his own judgment, between these years that the American people came to a full understanding and thorough knowledge of their rights, and to a fixed resolution of maintaining them; and bearing,

himself, an active part in all important transactions, the controversy with England being then in effect the business of his life, facts, dates and particulars, made an impression which was never effaced. He was prepared, therefore, by education and discipline, as well as by natural talent and natural temperament, for the part which he was now to act.

The eloquence of Mr. Adams resembled his general character, and formed, indeed, a part of it. It was bold, manly, and energetic; and such the crisis required. When public bodies are to be addressed on momentous occasions, when great interests are at stake, and strong passions excited, nothing is valuable in speech farther than it is connected with high intellectual and moral endowments. Clearness, force and earnestness, are the qualities which produce conviction. True eloquence, indeed, does not consist in speech. It cannot be brought from far. Labor and learning may toil for it, but they will toil in vain. Words and phrases may be marshaled in every way, but they cannot compass it. It must exist in the man, in the subject, and in the occasion. Affected passion, intense expression, the pomp of declamation, all may aspire after it; they cannot reach it. It comes, if it come at all, like the outbreaking of a fountain from the earth, or the bursting forth of volcanic fires, with spontaneous, original, native force. The graces taught in the schools, the costly ornaments and studied contrivances of speech, shock and disgust men, when their own lives, and the fate of their wives, their children, and their country, hang on the decision of the hour. Then words have lost their power, rhetoric is vain, and all elaborate oratory contemptible. Even genius itself then feels rebuked and subdued, as in the presence of higher qualities. Then patriotism is eloquent; then self-devotion is eloquent. The clear conception, outrunning the deductions of logic, the high purpose, the firm resolve, the dauntless spirit, speaking on the tongue, beaming from the eye, informing every feature, and urging the whole man onward, right onward to his

object—this, this is eloquence; or rather it is something greater and higher than all eloquence, it is action, noble, sublime, godlike action.

In July, 1776, the controversy had passed the stage of argument. An appeal had been made to force, and opposing armies were in the field. Congress, then, was to decide whether the tie which had so long bound us to the parent state was to be severed at once, and severed forever. All the colonies had signified their resolution to abide by this decision, and the people looked for it with the most intense anxiety. And surely, fellow-citizens, never, never were men called to a more important political deliberation. If we contemplate it from the point where they then stood, no question could be more full of interest; if we look at it now, and judge of its importance by its effects, it appears in still greater magnitude.

Let us, then, bring before us the assembly, which was about to decide a question thus big with the fate of empire. Let us open their doors and look in upon their deliberations. Let us survey the anxious and care-worn countenances, let us hear the firm-toned voices, of this band of patriots.

Hancock presides over the solemn sitting; and one of those not yet prepared to pronounce for absolute independence is on the floor, and is urging his reasons for dissenting from the declaration.

"Let us pause! This step once taken, cannot be retraced. This resolution, once passed, will cut off all hope of reconciliation. If success attend the arms of England, we shall then be no longer colonies, with charters and with privileges; these will all be forfeited by this act; and we shall be in the condition of other conquered people, at the mercy of the conquerors. For ourselves, we may be ready to run the hazard; but are we ready to carry the country to that length? Is success so probable as to justify it? Where is the military, where the naval power, by which we are to resist the whole strength

of the arm of England, for she will exert that strength to the utmost? Can we rely on the constancy and perseverance of the people? or will they not act as the people of other countries have acted, and, wearied with a long war, submit, in the end, to a worse oppression? While we stand on our old ground, and insist on redress of grievances, we know we are right, and are not answerable for consequences. Nothing, then, can be imputed to us. But if we now change our object, carry our pretensions farther, and set up for absolute independence, we shall lose the sympathy of mankind. We shall no longer be defending what we possess, but struggling for something which we never did possess, and which we have solemnly and uniformly disclaimed all intention of pursuing, from the very outset of the troubles. Abandoning thus our old ground, of resistance only to arbitrary acts of oppression, the nations will believe the whole to have been mere pretense, and they will look on us, not as injured, but as ambitious subjects. I shudder before this responsibility. It will be on us, if, relinquishing the ground we have stood on so long, and stood on so safely, we now proclaim independence, and carry on the war for that object, while these cities burn, these pleasant fields whiten and bleach with the bones of their owners, and these streams run blood. It will be upon us, it will be upon us, if, failing to maintain this unseasonable and ill-judged declaration, a sterner despotism, maintained by military power, shall be established over our posterity, when we ourselves, given up by an exhausted, a harrassed, a misled people, shall have expiated our rashness and atoned for our presumption on the scaffold."

It was for Mr. Adams to reply to arguments like these. We know his opinions, and we know his character. He would commence with his accustomed directness and earnestness.

"Sink or swim, live or die, survive or perish, I give my hand and my heart to this vote. It is true, indeed, that in the be-

gining we aimed not at independence. But there's a divinity which shapes our ends. The injustice of England has driven us to arms; and, blinded to her own interest for our good, she has obstinately persisted, till independence is now within our grasp. We have but to reach forth to it, and it is ours. Why, then, should we defer the declaration? Is any man so weak as now to hope for a reconciliation with England, which shall leave either safety to the country and its liberties, or safety to his own life and his own honor? Are not you, sir, who sit in that chair, is not he, our venerable colleague near you, are you not both already the proscribed and predestined objects of punishment and of vengeance? Cut off from all hope of royal clemency, what are you, what can you be, while the power of England remains, but outlaws? If we postpone independence, do we mean to carry on, or to give up the war? Do we mean to submit to the measures of parliament, Boston Port Bill and all? Do we mean to submit, and consent that we ourselves shall be ground to powder, and our country and its rights trodden down in the dust? I know we do not mean to submit. We never shall submit. Do we intend to violate that most solemn obligation ever entered into by men, that plighting, before God, of our sacred honor to Washington, when, putting him forth to incur the dangers of war, as well as the political hazards of the times, we promised to adhere to him, in every extremity, with our fortunes and our lives? I know there is not a man here, who would not rather see a general conflagration sweep over the land, or an earthquake sink it, than one jot or tittle of that plighted faith fall to the ground. For myself, having, twelve months ago, in this place, moved you, that George Washington be appointed commander of the forces raised, or to be raised, for defense of American liberty, may my right hand forget her cunning, and my tongue cleave to the roof of my mouth, if I hesitate or waver in the support I give him.

"The war, then, must go on. We must fight it through. And if the war must go on, why put off longer the declaration of independence? That measure will strengthen us. It will give us character abroad. The nations will then treat with us, which they never can do while we acknowledge ourselves subjects, in arms against our sovereign. Nay, I maintain that England herself will sooner treat for peace with us on the footing of independence, than consent, by repealing her acts, to acknowledge that her whole conduct toward us has been a course of injustice and oppression. Her pride will be less wounded by submitting to that course of things which now predestinates our independence, than by yielding the points in controversy to her rebellious subjects. The former she would regard as the result of fortune; the latter she would feel as her own deep disgrace. Why, then, why then, sir, do we not as soon as possible change this from a civil to a national war? And since we must fight it through, why not put ourselves in a state to enjoy all the benefits of victory, if we gain the victory?

"If we fail, it can be no worse for us. But we shall not fail. The cause will raise up armies; the cause will create navies. The people, the people, if we are true to them, will carry us, and will carry themselves, gloriously, through this struggle. I care not how fickle other people have been found. I know the people of these colonies, and I know that resistance to British aggression is deep and settled in their hearts, and cannot be eradicated. Every colony, indeed, has expressed its willingness to follow, if we but take the lead. Sir, the declaration will inspire the people with increased courage. Instead of a long and bloody war for the restoration of privileges, for redress of grievances, for chartered immunities, held under a British king, set before them the glorious object of entire independence, and it will breathe into them anew the breath of life. Read this declaration at the head of the army; every sword will be drawn from its scabbard, and the solemn vow uttered, to maintain it,

or to perish on the bed of honor. Publish it from the pulpit; religion will approve it, and the love of religious liberty will cling round it, resolved to stand with it, or fall with it. Send it to the public halls; proclaim it there; let them hear it who heard the first roar of the enemy's cannon; let them see it who saw their brothers and their sons fall on the field of Bunker Hill, and in the streets of Lexington and Concord, and the very walls will cry out in its support.

"Sir, I know the uncertainty of human affairs, but I see, I see clearly, through this day's business. You and I, indeed, may rue it. We may not live to the time when this declaration shall be made good. We may die; die colonists; die slaves; die, it may be, ignominiously and on the scaffold. Be it so. Be it so. If it be the pleasure of Heaven that my country shall require the poor offering of my life, the victim shall be ready, at the appointed hour of sacrifice, come when that hour may. But while I do live, let me have a country, or at least the hope of a country, and that a free country.

"But whatever may be our fate, be assured, be assured that this declaration will stand. It may cost treasure, and it may cost blood; but it will stand, and it will richly compensate for both. Through the thick gloom of the present, I see the brightness of the future as the sun in heaven. We shall make this a glorious, an immortal day. When we are in our graves, our children will honor it. They will celebrate it with thanksgiving, with festivity, with bonfires, and illuminations. On its annual return they will shed tears, copious, gushing tears, not of subjection and slavery, not of agony and distress, but of exultation, of gratitude, and of joy. Sir, before God, I believe the hour is come. My judgment approves this measure, and my whole heart is in it. All that I have, and all that I am, and all that I hope, in this life, I am now ready here to stake upon it; and I leave off as I begun, that live or die, survive or perish, I am for the declaration. It is my living sentiment, and by the

blessing of God it shall be my dying sentiment, independence, *now*, and INDEPENDENCE FOREVER."

And so that day shall be honored, illustrious prophet and patriot! so that day shall be honored, and as often as it returns, thy renown shall come along with it, and the glory of thy life, like the day of thy death, shall not fail from the remembrance of men.

It would be unjust, fellow-citizens, on this occasion, while we express our veneration for him who is the immediate subject of these remarks, were we to omit a most respectful, affectionate, and grateful mention of those other great men, his colleagues, who stood with him, and with the same spirit, the same devotion, took part in the interesting transaction. Hancock, the proscribed Hancock, exiled from his home by a military governor, cut off by proclamation from the mercy of the crown —Heaven reserved for him the distinguished honor of putting this great question to the vote, and of writing his own name first, and most conspicuously, on that parchment which spoke defiance to the power of the crown of England. There, too, is the name of that other proscribed patriot, Samuel Adams, a man who hungered and thirsted for the independence of his country; who thought the declaration halted and lingered, being himself not only ready, but eager, for it, long before it was proposed; a man of the deepest sagacity, the clearest foresight, and the profoundest judgment in men. And there is Gerry, himself among the earliest and the foremost of the patriots, found, when the battle of Lexington summoned them to common counsels, by the side of Warren; a man who lived to serve his country at home and abroad, and to die in the second place in the government. There, too, is the inflexible, the upright, the Spartan character, Robert Treat Paine. He also lived to serve his country through the struggle, and then withdrew from her councils, only that he might give his labors and his life to his native state, in another relation. These names,

fellow-citizens, are the treasures of the commonwealth; and they are treasures which grow brighter by time.

It is now necessary to resume and to finish with great brevity the notice of the lives of those whose virtues and services we have met to commemorate.

Mr. Adams remained in congress from its first meeting till November, 1777, when he was appointed minister to France. He proceeded on that service in the February following, embarking in the Boston frigate, on the shore of his native town, at the foot of Mount Wollaston. The year following, he was appointed commissioner to treat of peace with England. Returning to the United States, he was a delegate from Braintree in the convention for framing the constitution of this commonwealth, in 1780. At the latter end of the same year, he again went abroad in the diplomatic service of the country, and was employed at various courts, and occupied with various negotiations, until 1788. The particulars of these interesting and important services this occasion does not allow time to relate. In 1782 he concluded our first treaty with Holland. His negotiations with that republic, his efforts to persuade the states-general to recognize our independence, his incessant and indefatigable exertions to represent the American cause favorably on the continent, and to counteract the designs of its enemies, open and secret, and his successful undertaking to obtain loans, on the credit of a nation yet new and unknown, are among his most arduous, most useful, most honorable services. It was his fortune to bear a part in the negotiation for peace with England, and in something more than six years from the declaration which he had so strenuously supported, he had the satisfaction to see the minister plenipotentiary of the crown subscribe to the instrument which declared that his "Britannic majesty acknowledged the United States to be free, sovereign, and independent." In these important transactions, Mr. Adams's

conduct received the marked approbation of congress and of the country.

While abroad, in 1787, he published his Defense of the American Constitutions; a work of merit and ability, though composed with haste, on the spur of a particular occasion, in the midst of other occupations, and under circumstances not admitting of careful revision. The immediate object of the work was to counteract the weight of opinions advanced by several popular European writers of that day, Mr. Turgot, the Abbé de Mably, and Dr. Price, at a time when the people of the United States were employed in forming and revising their systems of government.

Returning to the United States in 1788, he found the new government about going into operation, and was himself elected the first vice-president, a situation which he filled with reputation for eight years, at the expiration of which he was raised to the presidential chair, as immediate successor to the immortal Washington. In this high station he was succeeded by Mr. Jefferson, after a memorable controversy between their respective friends, in 1801; and from that period his manner of life has been known to all who hear me. He has lived for five-and-twenty years, with every enjoyment that could render old age happy. Not inattentive to the occurrences of the times, political cares have not yet materially, or for any long time, disturbed his repose. In 1820 he acted as elector of president and vice-president, and in the same year we saw him, then at the age of eighty-five, a member of the convention of this commonwealth called to revise the constitution. Forty years before, he had been one of those who formed that constitution; and he had now the pleasure of witnessing that there was little which the people desired to change. Possessing all his faculties to the end of his long life, with an unabated love of reading and contemplation, in the center of interesting circles of friendship and affection, he was blessed in his retirement with what

ever of repose and felicity the condition of man allows. He had, also, other enjoyments. He saw around him that prosperity and general happiness which had been the object of his public cares and labors. No man ever beheld more clearly, and for a longer time, the great and beneficial effects of the services rendered by himself to his country. That liberty which he so early defended, that independence of which he was so able an advocate and supporter, he saw, we trust, firmly and securely established. The population of the country thickened around him faster, and extended wider, than his own sanguine predictions had anticipated; and the wealth, respecatability, and power of the nation sprang up to a magnitude which it is quite impossible he could have expected to witness in his day. He lived also to behold those principles of civil freedom which had been developed, established, and practically applied in America, attract attention, command respect, and awaken imitation, in other regions of the globe; and well might, and well did, he exclaim, "Where will the consequences of the American revolution end?"

If anything yet remains to fill this cup of happiness, let it be added that he lived to see a great and intelligent people bestow the highest honor in their gift where he had bestowed his own kindest parental affections and lodged his fondest hopes. Thus honored in life, thus happy at death, he saw the JUBILEE, and he died; and with the last prayers which trembled on his lips was the fervent supplication for his country, "Independence forever!"

Mr. Jefferson, having been occupied in the years 1778 and 1779 in the important service of revising the laws of Virginia, was elected governor of that state, as successor to Patrick Henry, and held the situation when the state was invaded by the British arms. In 1781 he published his Notes on Virginia, a work which attracted attention in Europe as well as America, dispelled many misconceptions respecting this continent, and

gave its author a place among men distinguished for science. In November, 1783, he again took his seat in the continental congress, but in the May following was appointed minister plenipotentiary, to act abroad, in the negotiation of commercial treaties, with Dr. Franklin and Mr. Adams. He proceeded to France in execution of this mission, embarking at Boston; and that was the only occasion on which he ever visited this place. In 1785 he was appointed minister to France, the duties of which situation he continued to perform until October, 1789, when he obtained leave to retire, just on the eve of that tremendous revolution which has so much agitated the world in our times. Mr. Jefferson's discharge of his diplomatic duties was marked by great ability, diligence, and patriotism; and while he resided at Paris, in one of the most interesting periods, his character for intelligence, his love of knowledge and of the society of learned men, distinguished him in the highest circles of the French capital. No court in Europe had at that time in Paris a representative commanding or enjoying higher regard, for political knowledge or for general attainments, than the minister of this then infant republic. Immediately on his return to his native country, at the organization of the government under the present constitution, his talents and experience recommended him to President Washington for the first office in his gift. He was placed at the head of the department of state. In this situation, also, he manifested conspicuous ability. His correspondence with the ministers of other powers residing here, and his instructions to our own diplomatic agents abroad, are among our ablest state papers. A thorough knowledge of the laws and usages of nations, perfect acquaintance with the immediate subject before him, great felicity, and still greater facility, in writing, show themselves in whatever effort his official situation called on him to make. It is believed by competent judges, that the diplomatic intercourse of the government of the United States, from the first meeting of the continental

congress in 1774 to the present time, taken together, would not suffer, in respect to the talent with which it has been conducted, by comparison with anything which other and older states can produce; and to the attainment of this respectability and distinction Mr. Jefferson has contributed his full part.

On the retirement of General Washington from the presidency, and the election of Mr. Adams to that office in 1797, he was chosen vice-president. While presiding in this capacity over the deliberations of the senate, he compiled and published a Manual of Parliamentary Practice, a work of more labor and more merit than is indicated by its size. It is now received as the general standard by which proceedings are regulated, not only in both houses of congress, but in most of the other legislative bodies in the country. In 1801 he was elected president, in opposition to Mr. Adams, and reëlected in 1805, by a vote approaching toward unanimity.

From the time of his final retirement from public life, in 1809, Mr. Jefferson lived as became a wise man. Surrounded by affectionate friends, his ardor in the pursuit of knowledge undiminished, with uncommon health and unbroken spirits, he was able to enjoy largely the rational pleasures of life, and to partake in that public prosperity which he had so much contributed to produce. His kindness and hospitality, the charm of his conversation, the ease of his manners, the extent of his acquirements, and, especially, the full store of revolutionary incidents which he possessed, and which he knew when and how to dispense, rendered his abode in a high degree attractive to his admiring countrymen, while his high public and scientific character drew toward him every intelligent and educated traveler from abroad. Both Mr. Adams and Mr. Jefferson had the pleasure of knowing that the respect which they so largely received was not paid to their official stations. They were not men made great by office; but great men, on whom the country for its own benefit had conferred office. There was that in

them which office did not give, and which the relinquishment of office did not, and could not, take away. In their retirement, in the midst of their fellow-citizens, themselves private citizens, they enjoyed as high regard and esteem as when filling the most important places of public trust.

There remained to Mr. Jefferson yet one other work of patriotism and beneficence, the establishment of a university in his native state. To this object he devoted years of incessant and anxious attention, and by the enlightened liberality of the legislature of Virginia, and the coöperation of other able and zealous friends, he lived to see it accomplished. May all success attend this infant seminary; and may those who enjoy its advantages, as often as their eyes shall rest on the neighboring height, recollect what they owe to their disinterested and indefatigable benefactor; and may letters honor him who thus labored in the cause of letters!

Thus useful, and thus respected, passed the old age of Thomas Jefferson. But time was on its ever-ceaseless wing, and was now bringing the last hour of this illustrious man. He saw its approach with undisturbed serenity. He counted the moments as they passed, and beheld that his last sands were falling. That day, too, was at hand which he had helped to make immortal. One wish, one hope, if it were not presumptuous, beat in his fainting breast. Could it be so, might it please God, he would desire once more to see the sun, once more to look abroad on the scene around him, on the great day of liberty. Heaven, in its mercy, fulfilled that prayer. He saw that sun, he enjoyed its sacred light, he thanked God for this mercy, and bowed his aged head to the grave. "Felix, non vitæ tantum claritate, sid etiam opportunitate mortis."

The last public labor of Mr. Jefferson naturally suggests the expression of the high praise which is due, both to him and to Mr. Adams, for their uniform and zealous attachment to learning, and to the cause of general knowledge. Of the advanta-

ges of learning, indeed, and of literary accomplishments, their own characters were striking recommendations and illustrations. They were scholars, ripe and good scholars; widely acquainted with ancient, as well as modern literature, and not altogether uninstructed in the deeper sciences. Their acquirements, doubtless, were different, and so were the particular objects of their literary pursuits; as their tastes and characters, in these respects, differed like those of other men. Being, also, men of busy lives, with great objects requiring action constantly before them, their attainments in letters did not become showy or obtrusive. Yet I would hazard the opinion, that, if we could now ascertain all the causes which gave them eminence and distinction in the midst of the great men with whom they acted, we should find not among the least their early acquisitions in literature, the resources which it furnished, the promptitude and facility which it communicated, and the wide field it opened for analogy and illustration; giving them thus, on every subject, a larger view and a broader range, as well for discussion as for the government of their own conduct.

Literature sometimes, and pretensions to it much oftener disgusts, by appearing to hang loosely on the character, like something foreign or extraneous, not a part, but an ill-adjusted appendage; or by seeming to overload and weigh it down by its unsightly bulk, like the productions of bad taste in architecture, where there is massy and cumbrous ornament without strength or solidity of column. This has exposed learning, and especially classical learning, to reproach. Men have seen that it might exist without mental superiority, without vigor, without good taste, and without utility. But in such cases classical learning has only not inspired natural talent; or, at most, it has but made original feebleness of intellect, and natural bluntness of perception, something more conspicuous. The question, after all, if it be a question, is, whether literature, ancient as well as modern, does not assist a good understanding, im-

prove natural good taste, add polished armor to native strength, and render its possessor, not only more capable of deriving private happiness from contemplation and reflection, but more accomplished also for action in the affairs of life, and especially for public action. Those whose memories we now honor were learned men; but their learning was kept in its proper place, and made subservient to the uses and objects of life. They were scholars, not common nor superficial; but their scholarship was so in keeping with their character, so blended and inwrought, that careless observers, or bad judges, not seeing an ostentatious display of it, might infer that it did not exist; forgetting, or not knowing, that classical learning in men who act in conspicuous public stations, perform duties which exercise the faculty of writing, or address popular, deliberative, or judicial bodies, is often felt where it is little seen, and sometimes felt more effectually because it is not seen at all.

But the cause of knowledge, in a more enlarged sense, the cause of general knowledge and of popular education, had no warmer friends, nor more powerful advocates, than Mr. Adams and Mr. Jefferson. On this foundation they knew the whole republican system rested; and this great and all-important truth they strove to impress, by all the means in their power. In the early publication already referred to, Mr. Adams expresses the strong and just sentiment, that the education of the poor is more important, even to the rich themselves, than all their own riches. On this great truth, indeed, is founded that unrivaled, that invaluable political and moral institution, our own blessing and the glory of our fathers, the New England system of free schools.

As the promotion of knowledge had been the object of their regard through life, so these great men made it the subject of their testamentary bounty. Mr. Jefferson is understood to have bequeathed his library to the university of his native

state, and that of Mr. Adams is bestowed on the inhabitants of Quincy.

Mr. Adams and Mr. Jefferson, fellow-citizens, were successively presidents of the United States. The comparative merits of their respective administrations for a long time agitated and divided public opinion. They were rivals, each supported by numerous and powerful portions of the people, for the highest office. This contest, partly the cause and partly the consequence of the long existence of two great political parties in the country, is now part of the history of our government. We may naturally regret that anything should have occurred to create difference and discord between those who had acted harmoniously and efficiently in the great concerns of the revolution. But this is not the time, nor this the occasion, for entering into the grounds of that difference, or for attempting to discuss the merits of the questions which it involves. As practical questions, they were canvassed when the measures which they regarded were acted on and adopted; and as belonging to history, the time has not come for their consideration.

It is, perhaps, not wonderful, that, when the constitution of the United States went first into operation, different opinions should be entertained as to the extent of the powers conferred by it. Here was a natural source of diversity of sentiment. It is still less wonderful, that that event, about cotemporary with our government under the present constitution, which so entirely shocked all Europe, and disturbed our relations with her leading powers, should be thought, by different men, to have different bearings on our own prosperity; and that the early measures adopted by our government, in consequence of this new state of things, should be seen in opposite lights. It is for the future historian, when what now remains of prejudice and misconception shall have passed away, to state these different opinions, and pronounce impartial judgment. In the mean time,

all good men rejoice, and well may rejoice, that the sharpest differences sprung out of measures which, whether right or wrong, have ceased with the exigencies that gave them birth, and have left no permanent effect, either on the constitution or on the general prosperity of the country. This remark, I am aware, may be supposed to have its exception in one measure, the alteration of the constitution as to the mode of choosing president; but it is true in its general application. Thus the course of policy pursued toward France in 1798, on the one hand, and the measures of commercial restriction commenced in 1807, on the other, both subjects of warm and severe opposition, have passed away and left nothing behind them. They were temporary, and whether wise or unwise, their consequences were limited to their respective occasions. It is equally clear, at the same time, and it is equally gratifying, that those measures of both administrations which were of durable importance, and which drew after them interesting and long remaining consequences, have received general approbation. Such was the organization, or rather the creation, of the navy, in the administration of Mr. Adams; such the acquisition of Louisiana, in that of Mr. Jefferson. The country, it may safely be added, is not likely to be willing either to approve, or to reprobate, indiscriminately, and in the aggregate, all the measures of either, or of any, administration. The dictate of reason and of justice is, that, holding each one his own sentiments on the points in difference, we imitate the great men themselves in the forbearance and moderation which they have herished, and in the mutual respect and kindness which they ave been so much inclined to feel and to reciprocate.

No men, fellow-citizens, ever served their country with more entire exemption from every imputation of selfish and mercenary motives, than those to whose memory we are paying these proofs of respect. A suspicion of any disposition to enrich themselves, or to profit by their public employments,

never rested on either. No sordid motive approached them. The inheritance which they have left to their children is of their character and their fame.

Fellow-citizens, I will detain you no longer by this faint and feeble tribute to the memory of the illustrious dead. Even in other hands, adequate justice could not be performed, within the limits of this occasion. Their highest, their best praise, is your deep conviction of their merits, your affectionate gratitude for their labors and services. It is not my voice, it is this cessation of ordinary pursuits, this arresting of all attention, these solemn ceremonies, and this crowded house, which speak their eulogy. Their fame, indeed, is safe. That is now treasured up beyond the reach of accident. Although no sculptured marble should rise to their memory, nor engraved stone bear record of their deeds, yet will their remembrance be as lasting as the land they honored. Marble columns may, indeed, moulder into dust, time may erase all impress from the crumbling stone, but their fame remains; for with AMERICAN LIBERTY it rose, and with AMERICAN LIBERTY ONLY can it perish. It was the last swelling peal of yonder choir, "THEIR BODIES ARE BURIED IN PEACE, BUT THEIR NAME LIVETH EVERMORE." I catch that solemn song, I echo that lofty strain of funeral triumph, "THEIR NAME LIVETH EVERMORE."

Of the illustrious signers of the declaration of independence there now remains only Charles Carroll. He seems an aged oak, standing alone on the plain, which time has spared a little longer after all its cotemporaries have been leveled with the dust. Venerable object! we delight to gather round its trunk, while yet it stands, and to dwell beneath its shadow. Sole survivor of an assembly of as great men as the world has witnessed, in a transaction one of the most important that history records, what thoughts, what interesting reflections, must fill his elevated and devout soul! If he dwell on the past, how touching its recollections; if he survey the present, how happy,

how joyous, how full of the fruition of that hope, which his ardent patriotism indulged; if he glance at the future, how does the prospect of his country's advancement almost bewilder his weakened conception! Fortunate, distinguished patriot! Interesting relic of the past! Let him know that, while we honor the dead, we do not forget the living; and that there is not a heart here which does not fervently pray that Heaven may keep him yet back from the society of his companions.

And now, fellow-citizens, let us not retire from this occasion without a deep and solemn conviction of the duties which have devolved upon us. This lovely land, this glorious liberty, these benign institutions, the dear purchase of our fathers, are ours; ours to enjoy, ours to preserve, ours to transmit. Generations past and generations to come hold us responsible for this sacred trust. Our fathers, from behind, admonish us, with their anxious paternal voices; posterity calls out to us, from the bosom of the future; the world turns hither its solicitous eyes; all, all conjure us to act wisely, and faithfully, in the relation which we sustain. We can never, indeed, pay the debt which is upon us; but by virtue, by morality, by religion, by the cultivation of every good principle and every good habit, we may hope to enjoy the blessing, through our day, and to leave it unimpaired to our children. Let us feel deeply how much of what we are and of what we possess we owe to this liberty, and to these institutions of government. Nature has, indeed, given us a soil which yields bounteously to the hands of industry, the mighty and fruitful ocean is before us, and the skies over our heads shed health and vigor. But what are lands, and seas, and skies to civilized man, without society, without knowledge, without morals, without religious culture; and how can these be enjoyed, in all their extent and all their excellence, but under the protection of wise institutions and a free government? Fellow-citizens, there is not one of us, there is not one of us here present, who does not, at this moment, and at every moment, ex-

perience, in his own condition, and in the condition of those most near and dear to him, the influence and the benefits of this liberty and these institutions. Let us then acknowledge the blessing, let us feel it deeply and powerfully, let us cherish a strong affection for it, and resolve to maintain and perpetuate it. The blood of our fathers, let it not have been shed in vain; the great hope of posterity, let it not be blasted.

The striking attitude, too, in which we stand to the world around us, a topic to which, I fear, I advert too often, and dwell on too long, cannot be altogether omitted here. Neither individuals nor nations can perform their part well, until they understand and feel its importance, and comprehend and justly appreciate all the duties belonging to it. It is not to inflate national vanity, nor to swell a light and empty feeling of self-importance, but it is that we may judge justly of our situation, and of our own duties, that I earnesly urge this consideration of our position and our character among the nations of the earth. It cannot be denied, but by those who would dispute against the sun, that with America, and in America, a new era commences in human affairs. This era is distinguished by free representative governments, by entire religious liberty, by improved systems of national intercourse, by a newly awakened and an unconquerable spirit of free inquiry, and by a diffusion of knowledge through the community, such as has been before altogether unknown and unheard of. America, America, our country, fellow-citizens, our own dear and native land, is inseparably connected, fast bound up, in fortune and by fate, with these great interests. If they fall, we fall with them; if they stand, it will be because we have upholden them. Let us contemplate, then, this connection, which binds the prosperity of others to our own; and let us manfully discharge all the duties which it imposes. If we cherish the virtues and the principles of our fathers, Heaven will assist us to carry on the work of human liberty and human happiness. Auspicious omens

cheer us. Great examples are before us. Our own firmament now shines brightly upon our path. WASHINGTON is in the clear, upper sky. These other stars have now joined the American constellation; they circle round their center, and the heavens beam with new light. Beneath this illumination let us walk the course of life, and at its close devoutly commend our beloved country, the common parent of us all, to the Divine Benignity.

WEBSTER'S MASTER-PIECE

AS

A LITERARY AND SCIENTIFIC LECTURER.

BOSTON MECHANIC'S INSTITUTE.

INTRODUCTORY NOTE.

UNTIL the delivery of this lecture, Mr. Webster's fitness for such an occasion had neither been denied nor granted; but it never was, or could have been, a matter of doubt afterwards. It will be remembered, that he chose a scientific subject for his graduating performance; his studies and acquaintance in the department of science had always been ardent and extensive; and this lecture constantly suggests the idea that it must be Lord Bacon, or Sir Isaac Newton, whose ideas we are reading. It is interesting, in this address, to see what sort of a professor Mr. Webster would have made, in some world-renowned university, had he turned his ambition in that direction. He is now *forty-six* years of age.

MECHANICS' INSTITUTION, BOSTON.

INTRODUCTORY LECTURE AT THE OPENING OF THE COURSE, NOV. 12, 1828.

I APPEAR before you, gentlemen, for the performance of a duty which is in so great a degree foreign from my habitual studies and pursuits, that it may be presumptuous in me to hope for a creditable execution of the task. But I have not allowed considerations of this kind to weigh against a strong and ardent desire to signify my approbation of the objects, and my conviction of the utility, of this institution; and to manifest my prompt attention to whatever others may suppose to be in my power to promote its respectability and to further its designs.

The constitution of the association declares its precise object to be, "Mutual Instruction in the Sciences, as connected with the Mechanic Arts?"

The distinct purpose is to connect science more and more with art; to teach the established, and invent new, modes of combining skill with strength; to bring the power of the human understanding in aid of the physical powers of the human frame; to facilitate the coöperation of the mind with the hand; to augment convenience, lighten labor, and mitigate toil, by stretching the dominion of mind farther and farther over the elements of nature, and by making those elements themselves submit to human rule, follow human bidding, and work together for human happiness.

The visible and tangible creation into which we are introduced at our birth, is not, in all its parts, fixed and stationary. Motion or change of place, regular or occasional, belongs to all

or most of the things which are around us. Animal life everywhere moves; the earth itself has its motion, and its complexities of motion; the ocean heaves and subsides; rivers run, lingering or rushing, to the sea; and the air which we breathe moves and acts with mighty power. Motion, thus pertaining to the physical objects which surround us, is the exhaustless fountain whence philosophy draws the means by which, in various degrees and endless forms, natural agencies and the tendencies of inert matter are brought to the succor and assistance of human strength. It is the object of mechanical contrivance to modify motion, to produce it in new forms, to direct it to new purposes, to multiply its uses—by means of it to do better that which human strength could do without its aid—and to perform that, also, which such strength, unassisted by art, could not perform.

Motion itself is but the result of force; or, in other words, force is defined to be whatever tends to produce motion. The operation of forces, therefore, on bodies, is the broad field which is open for that philosopical examination, the results of which it is the business of mechanical contrivance to apply. The leading forces or sources of motion are, as is well known, the power of animals, gravity, heat, the winds, and water. There are various others of less power, or of more difficult application. Mechanical philosophy, therefore, may be said to be that science which instructs us in the knowledge of natural moving powers, animate or inanimate; in the manner of modifying those powers, and of increasing the intensity of some of them by artificial means, such as heat and electricity; and in applying the varieties of force and motion, thus derived from natural agencies, to the arts of life. This is the object of mechanical philosophy. None can doubt, certainly, the high importance of this sort of knowledge, or fail to see how suitable it is to the elevated rank and the dignity of reasoning beings. Man's grand distinction is his intellect, his mental capacity. It is this which

renders him highly and peculiarly responsible to his Creator. It is this on account of which, the rule over other animals is established in his hands; and it is this, mainly, which enables him to exercise dominion over the powers of nature, and to subdue them to himself.

But it is true, also, that his own animal organization gives him superiority, and is among the most wonderful of the works of God on earth. It contributes to cause, as well as prove, his elevated rank in creation. His port is erect, his face toward heaven, and he is furnished with limbs which are not absolutely necessary to his support or locomotion, and which are at once powerful, flexible, capable of innumerable modes and varieties of action, and terminated by an instrument of wonderful, heavenly workmanship—the human hand. This marvelous physical conformation gives man the power of acting with great effect upon external objects, in pursuance of the suggestions of his understanding, and of applying the results of his reasoning power to his own purposes. Without this particular formation, he would not be man, with whatever sagacity he might have been endowed. No bounteous grant of intellect, were it the pleasure of Heaven to make such grant, could raise any of the brute creation to an equality with the human race. Were it bestowed on the leviathan, he must remain, nevertheless, in the element where alone he could maintain his physical existence. He would still be but the inelegant, misshapen inhabitant of the ocean, "wallowing unwieldy, enormous in his gait." Were the elephant made to possess it, it would but teach him the deformity of his own structure, the unloveliness of his frame, though "the hugest of things," his disability to act on external matter, and the degrading nature of his own physical wants, which lead him to the deserts, and give him for his favorite home the torrid plains of the tropics. It was placing the king of Babylon sufficiently out of the rank of human beings, though he carried all his reasoning faculties with him, when he was sent away to eat

grass like an ox. And this may properly suggest to our consideration, what is undeniably true, that there is hardly a greater blessing conferred on man than his natural wants. If he had wanted no more than the beasts, who can say how much more than they he would have attained? Does he associate, does he cultivate, does he build, does he navigate? The original impulse to all these lies in his wants. It proceeds from the necessities of his condition, and from the efforts of unsatisfied desire. Every want, not of a low kind, physical as well as moral, which the human breast feels, and which brutes do not feel and cannot feel, raises man by so much in the scale of existence, and is a clear proof and a direct instance of the favor of God toward his so much favored human offspring. If man had been so made as to have desired nothing, he would have wanted almost everything worth possessing.

But doubtless the reasoning faculty, the mind, is the leading and characteristic attribute of man. By the exercise of this, he arrives at the knowledge of the properties of natural bodies. This is science, properly and emphatically so called. It is the science of pure mathematics; and in the high branches of this science lies the true sublime of human acquisition. If any attainment deserve that epithet, it is the knowledge, which, from the mensuration of the minutest dust of the balance, proceeds on the rising scale of material bodies, everywhere weighing, everywhere measuring, everywhere detecting and explaining the laws of force and motion, penetrating into the secret principles which hold the universe of God together, and balancing world against world, and system against system. When we seek to accompany those who pursue their studies, at once so high, so vast, and so exact; when we arrive at the discoveries of Newton, which pour in day on the works of God, as if a second *fiat* for light had gone forth from his own mouth; when, further, we attempt to follow those who set out where Newton paused, making his goal their starting-place, and proceeding

with demonstration upon demonstration, and discovery upon discovery, bring new worlds and new systems of worlds within the limits of the known universe, failing to learn all only because all is infinite; however we say of man, in admiration of his physical structure, that "in form and moving he is express and admirable," it is here, and here without irreverence, we may exclaim, "In apprehension how like a god!" The study of the pure mathematics will of course not be extensively pursued in an institution, which, like this, has a direct practical tendency and aim. But it is still to be remembered, that pure mathematics lie at the foundation of mechanical philosophy, and that it is ignorance only which can speak or think of that sublime science as useless research or barren speculation.

It has already been said, that the general and well-known agents usually regarded as the principal sources of mechanical powers, are gravity, acting on solid bodies, the fall of water, which is but gravity acting on fluids, air, heat, and animal strength. For the useful direction and application of the first four of these, that is, of all of them which belong to inanimate nature, some intermediate apparatus or contrivance becomes necessary, and this apparatus, whatever its form, is a machine. A machine is an invention for the application of motion, either by changing the direction of the moving power, or by rendering a body in motion capable of communicating a motion greater or less than its own to other bodies, or by enabling it to overcome a power of greater intensity or force than its own. And it is usually said that every machine, however apparently complex, is capable of being resolved into some one or more of those single machines, of which, according to one mode of description, there are six, and according to another three, called the mechanical powers. But because machinery, or all mechanical contrivance, is thus capable of resolution into a few elementary forms, it is not to be inferred that science, or art, or both together, though pressed with the utmost force of hu-

man genius, and cultivated by the last degree of human assiduity, will ever exhaust the combinations into which these elementary forms may be thrown. An indefinite, though not an infinite, reach of invention may be expected; but indefinite, also, if not infinite, are the possible combinations of elementary principles. The field, then, is vast and unbounded. We know not to what yet unthought of heights the power of man over the agencies of nature may be carried. We only know that the last half-century has witnessed an amazingly accelerated progress in useful discoveries, and that, at the present moment, science and art are acting together with a new companionship, and with the most happy and striking results. The history of mechanical philosophy is, of itself, a very interesting subject, and will doubtless be treated in this place fully and methodically, by stated lecturers.

It is a part of the history of man, which, like that of his domestic habits and daily occupations, has been too unfrequently the subject of research; having been thrust aside by the more dazzling topics of war and political revolutions. We are not often conducted by historians within the houses or huts of our ancestors, as they were centuries ago, and made acquainted with their domestic utensils and domestic arrangements. We see too little both of the conveniences and inconveniences of their daily and ordinary life. There are, indeed, rich materials for interesting details on these particulars to be collected from the labors of Goguet and Beckmann, Henry and Turner; but still, a thorough and well written history of those inventions in the mechanic arts which are now commonly known, is a *desideratum* in literature.

Human sagacity, stimulated by human wants, seizes first on the nearest natural assistant. The power of his own arm is an early lesson among the studies of primitive man. This is animal strength; and from this he rises to the conception of employing, for his own use, the strength of other animals. A

stone, impelled by the power of his arm, he finds will produce a greater effect than the arm itself; this is a species of mechanical power. The effect results from a combination of the moving force with the gravity of a heavy body. The limb of a tree is a rude, but powerful instrument; it is a lever. And the mechanical powers being all discovered, like other natural qualities, by induction (I use the word as Bacon used it) or experience, and not by any reasoning *a priori*, their progress has kept pace with the general civilization and education of nations. The history of mechanical philosophy, while it strongly illustrates in its general results the force of the human mind, exhibits in its details most interesting pictures of ingenuity struggling with the conception of new combinations, and of deep, intense, and powerful thought, stretched to its utmost to find out or deduce the general principle from the indications of particular facts. We are now so far advanced beyond the age when the principal leading, important mathematical discoveries were made, and they have become so much matter of common knowledge, that it is not easy to feel their importance, or be justly sensible what an epoch in the history of science each constituted. The half-frantic exultation of Archimedes, when he had solved the problem respecting the crown of Hiero, was on an occasion and for a cause certainly well allowing very high joy. And so also was the duplication of the cube.

The altar of Apollo, at Athens, was a square block, or cube, and to double it, required the duplication of the cube. This was a process involving an unascertained mathematical principle. It was quite natural, therefore, that it should be a traditional story, that, by way of atoning for some affront to that god, the oracle commanded the Athenians to *double his altar;* an injunction, we know, which occupied the keen sagacity of the Greek geometricians for more than half a century, before they were able to obey it. It is to the great honor, however, of this inimitable people, the Greeks, a people whose genius

seems to have been equally fitted for the investigations of science and the works of imagination, that the immortal Euclid, centuries before our era, composed his Elements of Geometry; a work which, for two thousand years, has been, and still continues to be, a text-book, for instruction in that science.

A history of mechanical philosophy, however, would not begin with Greece. There is a wonder beyond Greece. Higher up in the annals of mankind, nearer, far nearer, to the origin of our race, out of all reach of letters, beyond the sources of tradition, beyond all history, except what remains in the monuments of her own art, stands Egypt, the mother of nations! Egypt! Thebes! the Labyrinth! the Pyramids! Who shall explain the mysteries which these names suggest? The Pyramids! Who can inform us whether it was by mere numbers, and patience, and labor, aided perhaps by the simple lever, or if not, by what forgotten combination of powers, by what now unknown machines, mass was thus aggregated to mass, and quarry piled on quarry, till solid granite seemed to cover the earth and reach the skies.

The ancients discovered many things, but they left many things also to be discovered; and this, as a general truth, is what our posterity a thousand years hence will be able to say, doubtless, when we and our generation shall be recorded also among the ancients. For, indeed, God seems to have proposed his material universe as a standing, perpetual study to his intelligent creatures; where, ever learning, they can yet never learn all; and if that material universe shall last till man shall have discovered all that is now unknown, but which by the progressive improvement of his faculties he is capable of knowing, it will remain through a duration beyond human measurement, and beyond human comprehension.

The ancients knew nothing of our present system of arithmetical notation; nothing of algebra, and, of course, nothing

of the important application of algebra to geometry. They had not learned the use of logarithms, and were ignorant of fluxions. They had not attained to any just mode for the mensuration of the earth; a matter of great moment to astronomy, navigation, and other branches of useful knowledge. It is scarcely necessary to add, that they were ignorant of the great results which have followed the development of the principle of gravitation.

In the useful and practical arts, many inventions and contrivances, to the production of which the degree of ancient knowledge would appear to us to have been adequate, and which seem quite obvious, are yet of late origin. The application of water, for example, to turn a mill, is a thing not known to have been accomplished at all in Greece, and is not supposed to have been attempted at Rome till in or near the age of Augustus. The production of the same effect by wind is a still later invention. It dates only in the seventh century of our era. The propulsion of the saw by any other power than that of the arm is treated as a novelty in England, so late as in the middle of the sixteenth century. The Bishop of Ely, at that time ambassador from the queen of England to the pope, says, "he saw, at Lyons, a sawmill driven with an upright wheel, and the water that makes it go is gathered whole into a narrow trough, which delivereth the same water to the wheels. This wheel hath a piece of timber put to the axletree end, like the handle of a *brock* (a hand-organ,) and fastened to the end of the saw, which being turned with the force of water, hoisteth up and down the saw, that it continually eateth in, and the handle of the same is kept in a rigall of wood, from swerving. Also the timber lieth, as it were, upon a ladder, which is brought by little and little to the saw with another vice." From this description of the primitive power-saw, it would seem that it was probably fast only at one end, and that the brock and rigall performed the part of the arm in the common use of the handsaw.

It must always have been a very considerable object for men to possess or obtain the power of rasing water otherwise than by mere manual labor. Yet nothing like the common suction-pump has been found among rude nations. It has arrived at its present state only by slow and doubtful steps of improvement; and, indeed, in that present state, however obvious and unattractive, it is something of an abstruse and refined invention. It was unknown in China, until Europeans visited the "Celestial Empire;" and is still unknown in other parts of Asia, beyond the pale of European settlements or the reach of European communication. The Greeks and Romans are supposed to have been ignorant of it, in the early times of their history; and it is usually said to have come from Alexandria, where physical science was much cultivated by the Greek school, under the patronage of the Ptolemies.

These few and scattered historical notices, gentlemen, of important inventions, have been introduced only for the purpose of suggesting that there is much which is both curious and instructive in the history of mechanics; and that many things which to us, in our state of knowledge, seem so obvious as that we should think they would at once force themselves on men's adoption, have, nevertheless, been accomplished slowly and by painful efforts.

But if the history of the progress of the mechanical arts be interesting, still more so, doubtless, would be the exhibition of their present state, and a full display of the extent to which they are now carried. This field is much too wide even to be entered on this occasion. The briefest outline even would exceed its limits; and the whole subject will regularly fall to hands much more able to sustain it. The slightest glance, however, must convince us that mechanical power and mechanical skill, as they are now exhibited in Europe and America, mark an epoch in human history worthy of all admiration. Machinery is made to perform what has formerly been the toil of human

hands, to an extent that astonishes the most sanguine, with a degree of power to which no number of human arms is equal, and with such precision and exactness as almost to suggest the notion of reason and intelligence in the machines themselves. Every natural agent is put unrelentingly to the task. The winds work, the waters work, the elasticity of metals works; gravity is solicited into a thousand new forms of action; levers are multiplied upon levers; wheels revolve on the peripheries of other wheels; the saw and the plane are tortured into an ac commodation to new uses, and, last of all, with inimitable power, and "with whirlwind sound," comes the potent agency of steam. In comparison with the past, what centuries of improvement has this single agent comprised, in the short compass of fifty years! Everywhere practicable, everywhere efficient, it has an arm a thousand times stronger than that of Hercules, and to which human ingenuity is capable of fitting a thousand times as many hands as belonged to Briareus. Steam is found in triumphant operation on the seas; and under the influence of its strong propulsion, the gallant ship,

> "Against the wind, against the tide,
> Still *steadies*, with an upright keel."

It is on the rivers, and the boatman may repose on his oars; it is on highways, and begins to exert itself along the courses of land conveyance; it is at the bottom of mines, a thousand feet below the earth's surface; it is in the mill, and in the workshops of the trades. It rows, it pumps, it excavates, it carries, it draws, it lifts, it hammers, it spins, it weaves, it prints. It seems to say to men, at least to the class of artisans, "Leave off your manual labor, give over your bodily toil; bestow but your skill and reason to the directing of my power, and I will bear the toil—with no muscle to grow weary, no nerve to relax, no breast to feel faintness." What further improvements may still be made in the use of this astonishing power, it is

impossible to know, and it were vain to conjecture. What we do know is, that it has most essentially altered the face of affairs, and that no visible limit yet appears, beyond which its progress is seen to be impossible. If its power were now to be annihilated, if we were to miss it on the water and in the mills, it would seem as if we were going back to rude ages.

This society, then, gentlemen, is instituted for the purpose of further and further applying science to the arts, at a time when there is much of science to be applied. Philosophy and the mathematics have attained to high degrees, and still stretch their wings like the eagle. Chemistry, at the same time, acting in another direction, has made equally important discoveries, capable of a direct application to the purposes of life. Here, again, within so short a period as the lives of some of us, almost all that is known has been learned. And while there is this aggregate of science, already vast, but still rapidly increasing, offering itself to the ingenuity of mechanical contrivance, there is a corresponding demand for every work and invention of art, produced by the wants of a rich, an enterprising, and an elegant age. Associations like this, therefore, have materials to work upon, ends to work for, and encouragment to work.

It may not be improper to suggest, that not only are the general circumstances of the age favorable to such institutions as this, but that there seems a high degree of propriety that one or more should be established here, in the metropolis of New England. In no other part of the country is there so great a concentration of mechanical operations. Events have given to New England the lead in the great business of domestic manufactures. Her thickened population, her energetic free labor, her abundant falls of water, and various other causes, have led her citizens to embark, with great boldness, in extensive manufactures. The success of their establishments depends, of

course, in no small degree, upon the perfection to which machinery may be carried. Improvement in this, therefore, instead of being left to chance or accident, is justly regarded as a fit subject of assiduous study. The attention of our community is also, at the present moment, strongly attracted toward the construction of canals, railways, dry docks, and other important public works. Civil engineering is becoming a profession, offering honorable support and creditable distinction to such as may qualify themselves to discharge its duties. Another interesting fact is before us. New taste and a new excitement are evidently springing up in our vicinity in regard to an art, which, as it unites in a singular degree utility and beauty, affords inviting encouragements to genius and skill. I mean architecture. Architecture is military, naval, sacred, civil, or domestic. Naval architecture, certainly, is of the highest importance to a commercial and navigating people, to say nothing of its intimate and essential connection with the means of national defense. This science should not be regarded as having already reached its utmost perfection. It seems to have been some time in a course of rapid advancement. The building, the rigging, the navigating of ships, have, to every one's conviction, been subjects of great improvement within the last fifteen years. And where, rather than in New England, may still further improvements be looked for? Where is shipbuilding either a greater business, or pursued with more skill and eagerness.

In civil, sacred, and domestic architecture, present appearances authorize the strongest hopes of improvement. These hopes rest, among other things, on unambiguous indications of the growing prevalence of a just taste. The principles of architecture are founded in nature, or good sense, as much as the principles of epic poetry. The art constitutes a beautiful medium between what belongs to mere fancy and what belongs entirely to the exact sciences. In its forms and modifications it admits

of infinite variation, giving broad room for invention and genius; while, in its general principles, it is founded on that which long experience and the concurrent judgment of ages have ascertained to be generally pleasing. Certain relations of parts to parts have been satisfactory to all the cultivated generations of men. These relations constitute what is called *proportion*, and this is the great basis of architectural art. This established proportion is not to be *followed* merely because it is ancient, but because its use, and the pleasure which it has been found capable of giving to the mind, through the eye, in ancient times, and modern times, and all civilized times, prove that its principles are well founded and just; in the same manner that the Iliad is proved, by the consent of all ages, to be a good poem.

Architecture, I have said, is an art that unites, in a singular manner, the useful and the beautiful. It is not to be inferred from this that everything in architecture is beautiful, or is to be so esteemed, in exact proportion to its apparent utility. No more is meant than that nothing which evidently thwarts utility can or ought to be accounted beautiful; because, in every work of art, the design is to be regarded, and what defeats that design, cannot be considered as well done. The French rhetoricians have a maxim, that, in literarary composition, "nothing is beautiful which is not true." They do not intend to say, that strict and literal truth is alone beautiful in poetry or oratory; but they mean, that that which grossly offends against probability is not in good taste in either. The same relation subsists between beauty and utility in architecture as between truth and imagination in poetry. Utility is not to be obviously sacrificed to beauty, in the one case; truth and probability are not to be outraged for the cause of fiction and fancy, in the other. In the severer styles of architecture, beauty and utility approach so as to be almost identical. Where utility is more strongly than ordinary the main design, the proportions which

produce it raise the sense or feeling of beauty, by a sort of reflection or deduction of the mind. It is said that ancient Rome had perhaps no finer specimens of the classic Doric than were in the sewers which ran under her streets, and which were of course always to be covered from human observation: so true is it, that cultivated taste is always pleased with justness of proportion; and that design, seen to be accomplished, gives pleasure. The discovery and fast increasing use of a noble material, found in vast abundance nearer to our city than the Pentelican quarries to Athens, may well awaken, as they do, new attention to architectural improvement. If this material be not entirely well suited to the elegant Ionic or the rich Corinthian, it is yet fitted, beyond marble, beyond perhaps almost any other material, for the Doric, of which the appropriate character is strength, and for the Gothic, of which the appropriate character is grandeur.

It is not more than justice, perhaps, to our ancestors, to call the Gothic the English classic architecture; for in England, probably, are its most distinguished specimens. As its leading characteristic is grandeur, its main use would seem to be sacred. It had its origin, indeed, in ecclesiastical architecture. Its evident design was to surpass the ancient orders by the size of the structure and its far greater heights; to excite perceptions of beauty by the branching traceries and the gorgeous tabernacles within; and to inspire religious awe and reverence by the lofty, pointed arches, the flying buttresses, the spires and the pinnacles, springing from beneath, stretching upward toward the heavens with the prayers of the worshipers. Architectural beauty having always a direct reference to utility, edifices, whether civil or sacred, must of course undergo different changes, in different places, on account of climate, and in different ages, on account of the different states of other arts or different notions of convenience. The hypethral temple, for example, or temple without a roof, is not to be thought of in our latitude;

and the use of glass, a thing not now to be dispensed with, is also to be accommodated, as well as it may be, to the architectural structure. These necessary variations, and many more admissible ones, give room for improvements to an indefinite extent, without departing from the principles of true taste. May we not hope, then, to see our own city celebrated as the city of architectural excellence? May we not hope to see our native granite reposing in the ever enduring strength of the Doric, or springing up in the grand and lofty Gothic, in forms which beauty and utility, the eye and the judgment, taste and devotion, shall unite to approve and to admire? But while we regard sacred and civil architecture as highly important, let us not forget that other branch, so essential to personal comfort and happiness—domestic architecture or common house-building. In ancient times, in all governments, and under despotic governments in all times, the convenience or gratification of the monarch, the government, or the public has been allowed too often to put aside considerations of personal and individual happiness. With us, different ideas happily prevail. With us, it is not the public, or the government, in its corporate character, that is the only object of regard. The public happiness is to be the aggregate of the happiness of individuals. Our system begins with the individual man. It begins with him when he leaves the cradle; and it proposes to instruct him in knowledge and in morals, to prepare him for his state of manhood; on his arrival at that state, to invest him with political rights, to protect him in his property and pursuits, and in his family and social connections; and thus to enable him to enjoy, as an individual moral and rational being, what belongs to a moral and rational being. For the same reason, the arts are to be promoted for their general utility, as they affect the personal happiness and well-being of the individuals who compose the community. It would be adverse to the whole spirit of our system, that we should have gorgeous and expensive public

buildings, if individuals were at the same time to live in houses of mud. Our public edifices are to be reared by the surplus of wealth and the savings of labor, after the necessities and comforts of individuals are provided for; and not, like the Pyramids, by the unremitted toil of thousands of half-starved slaves. Domestic architecture, therefore, as connected with individual comfort and happiness, is to hold a first place in the esteem of our artists. Let our citizens have houses cheap, but comfortable; not gaudy, but in good taste; not judged by the portion of earth which they cover, but by their symmetry, their fitness for use, and their durability.

Without further reference to particular arts with which the objects of this society have a close connection, it may yet be added, generally, that this is a period of great activity, of industry, of enterprise in the various walks of life. It is a period, too, of growing wealth and increasing properity. It is a time when men are fast multiplying, but when means are increasing still faster than men. An auspicious moment, then, it is, full of motive and encouragement, for the vigorous prosecution of those inquiries which have for their object the discovery of farther and farther means of uniting the results of scientific research to the arts and business of life.

WEBSTER'S MASTER-PIECE

AS

A PUBLIC DINNER SPEAKER.

THE CHARACTER OF WASHINGTON.

INTRODUCTORY NOTE.

Both in Europe and in this country, it has been long a custom to give public dinners to public men of the highest standing; and, after the cloth is removed, the presiding officer of the party usually offers the first toast to the invited guest. To answer that toast becomingly, is one of the most difficult feats of oratory; and none but a true orator can meet the demand to the satisfaction of the party, or to his own satisfaction. After all the encomiums heaped upon Mr. Webster in other departments of public speaking, it is doubtful whether he did not exhibit a marked and peculiar superiority over all his cotemporaries in this particular sort of speaking; and, though often called upon in this way, his "Character of Washington," delivered within sight of the capitol, at the age of *fifty*, may be regarded, for its matter, if not for its manner also, as his master-piece.

EULOGY ON WASHINGTON.

SPEECH IN HONOR OF HIS CENTENNIAL BIRTH-DAY, DELIVERED AT A PUBLIC DINNER IN THE CITY OF WASHINGTON, FEBRUARY 22, 1832.

I RISE, gentlemen, to propose to you the name of that great man, in commemoration of whose birth, and in honor of whose character and services, we have here assembled.

I am sure that I express a sentiment common to every one present, when I say that there is something more than ordinarily solemn and affecting in this occasion.

We are met to testify our regard for him whose name is intimately blended with whatever belongs most essentially to the prosperity, the liberty, the free institutions, and the renown of our country. That name was of power to rally a nation in the hour of thick-thronging public disasters and calamities; that name shone, amid the storm of war, a beacon light, to cheer and guide the country's friends; it flamed, too, like a meteor, to repel her foes. That name, in the days of peace, was a loadstone, attracting to itself a whole people's confidence, a whole people's love, and the whole world's respect. That name, descending with all time, spreading over the whole earth, and uttered in all the languages belonging to the tribes and races of men, will forever be pronounced with affectionate gratitude by every one in whose breast there shall arise an aspiration for human rights and human liberty.

We perform this grateful duty, gentlemen, at the expiration of a hundred years from his birth, near the place, so cherished

and beloved by him, where his dust now reposes, and in the capital which bears his own immortal name.

All experience evinces that human sentiments are strongly influenced by associations. The recurrence of anniversaries, or of longer periods of time, naturally freshens the recollection, and deepens the impression, of events with which they are historically connected. Renowned places, also, have a power to awaken feeling, which all acknowledge. No American can pass by the fields of Bunker Hill, Monmouth, or Camden, as if they were ordinary spots on the earth's surface. Whoever visits them, feels the sentiment of love of country kindling anew, as if the spirit that belonged to the transactions which have rendered these places distinguished, still hovered round, with power to move and excite all who in future time may approach them.

But neither of these sources of emotion equals the power with which great moral examples affect the mind. When sublime virtues cease to be abstractions, when they become embodied in human character, and exemplified in human conduct, we should be false to our own nature, if we did not indulge in the spontaneous effusions of our gratitude and our admiration. A true lover of the virtue of patriotism delights to contemplate its purest models; and that love of country may be well suspected which affects to soar so high into the regions of sentiment as to be lost and absorbed in the abstract feeling, and becomes too elevated or too refined to glow with fervor in the commendation or the love of individual benefactors. All this is unnatural. It is as if one should be so enthusiastic a lover of poetry, as to care nothing for Homer or Milton; so passionately attached to eloquence as to be indifferent to Tully and Chatham; or such a devotee to the arts, in such an ecstasy with the elements of beauty, proportion and expression, as to regard the master-pieces of Raphael and Michael Angelo with coldness or contempt. We may be assured, gentlemen, that he who really loves the thing itself, loves its finest exhibitions. A true

friend of his country loves her friends and benefactors, and thinks it no degradation to commend and commemorate them. The voluntary outpouring of the public feeling, made to-day, from the north to the south, and from the east to the west, proves this sentiment to be both just and natural. In the cities and in the villages, in the public temples and in the family circles, among all ages and sexes, gladdened voices to-day bespeak grateful hearts and a freshened recollection of the virtues of the Father of his Country. And it will be so, in all time to come, so long as public virtue is itself an object of regard. The ingenuous youth of America will hold up to themselves the bright model of Washington's example, and study to be what they behold; they will contemplate his character till all its virtues spread out and display themselves to their delighted vision; as the earliest astronomers, the shepherds on the plains of Babylon, gazed at the stars till they saw them form into clusters and constellations, overpowering at length the eyes of the beholders with the united blaze of a thousand lights.

Gentlemen, we are at the point of a century from the birth of Washington; and what a century it has been! During its course, the human mind has seemed to proceed with a sort of geometric velocity, accomplishing, for human intelligence and human freedom, more than had been done in fives or tens of centuries preceding. Washington stands at the commencement of a new era, as well as at the head of the New World. A century from the birth of Washington has changed the world. The country of Washington has been the theater on which a great part of that change has been wrought; and Washington himself a principal agent by which it has been accomplished. His age and his country are equally full of wonders; and of both he is the chief.

If the prediction of the poet, uttered a few years before his birth, be true; if, indeed, it be designed by Providence that the grandest exhibition of human character and human affairs

shall be made on this theater of the western world; if it be true that,

> "The four first acts already past,
> A fifth shall close the drama with the day;
> Time's noblest offspring is the last;'

how could this imposing, swelling, final scene be appropriately opened, how could its intense interest be adequately sustained, but by the introduction of just such a character as our Washington?

Washington had attained his manhood when that spark of liberty was struck out in his own country, which has since kindled into a flame, and shot its beams over the earth. In the flow of a century from his birth, the world has changed in science, in arts, in the extent of commerce, in the improvement of navigation, and in all that relates to the civilization of man. But it is the spirit of human freedom, the new elevation of individual man, in his moral, social, and political character, leading the whole long train of other improvements, which has most remarkably distinguished the era. Society, in this century, has not made its progress, like Chinese skill, by a greater acuteness of ingenuity in trifles; it has not merely lashed itself to an increased speed round the old circles of thought and action; but it has assumed a new character; it has raised itself from *beneath* governments to a participation *in* governments; it has mixed moral and political objects with the daily pursuits of individual men; and, with a freedom and strength before altogether unknown, it has applied to these objects the whole power of the human understanding. It has been the era, in short, when the social principle has triumphed over the feudal principle; when society has maintained its rights against military power, and established, on foundations never hereafter to be shaken, its competency to govern itself.

It was the extraordinary fortune of Washington, that, having

been intrusted, in revolutionary times, with the supreme military command, and having fulfilled that trust with equal renown for wisdom and for valor, he should be placed at the head of the first government in which an attempt was to be made, on a large scale, to rear the fabric of social order on the basis of a written constitution and of a purely representative principle. A government was to be established without a throne, without an aristocracy, without castes, orders, or privileges; and this government, instead of being a democracy, existing and acting within the walls of a single city, was to be extended over a vast country, of different climates, interests and habits, and of various sects and sentiments of the christian religion. The experiment certainly was entirely new. A popular government of this extent, it was evident, could be framed only by carrying into full effect the principle of representation or of delegated power; and the world was to see whether society could, by the strength of this principle, maintain its own peace and good government, carry forward its own great interests, and conduct itself to political renown and glory. By the benignity of Providence, this experiment, so full of interest to us and to our posterity forever, so full of interest, indeed, to the world in its present generation and in all its generations to come, was suffered to commence under the guidance of Washington. Destined for this high career, he was fitted for it by wisdom, by virtue, by patriotism, by discretion, by whatever can inspire confidence in man toward man. In entering on the untried scenes, early disappointment and the premature extinction of all hope of success would have been certain, had it not been that there did exist throughout the country, in a most extraordinary degree, an unwavering trust in him whose hand held the helm of affairs.

I remarked, gentlemen, that the whole world was and is interested in the result of this experiment. And is it not so? Do we deceive ourselves, or is it true that at this moment the career which this government is running, is among the most

attractive objects to the civilized world? Do we deceive ourselves, or is it true that at this moment that love of liberty and that understanding of its true principles which are flying over the whole earth, as on the wings of all the winds, are really and truly of American origin?

At the period of the birth of Washington, there existed in Europe no political liberty in large communities, except in the provinces of Holland, and except that England herself had set a great example, so far as it went, by her glorious revolution of 1688. Everywhere else, despotic power was predominant, and the feudal or military principle held the mass of mankind in hopeless bondage. One-half of Europe was crushed beneath the Bourbon sceptre, and no conception of political liberty, no hope even of religious toleration, existed among that nation, which was America's first ally. The king was the state; the king was the country; the king was all. There was one king, with power not derived from his people, and too high to be questioned; and the rest were all subjects, with no political rights but obedience. All above was intangible power, all below, quiet subjection. A recent occurrence in the French chambers shows us how human sentiments on these subjects have changed. A minister had spoken of the "king's subjects." "There are no subjects," exclaimed hundreds of voices at once, "in a country where the people make the king!"

Gentlemen, the spirit of human liberty and of free government, nurtured and grown into strength and beauty in America, has stretched its course into the midst of the nations. Like an emanation from heaven, it has gone forth, and it will not return void. It must change, it is fast changing the face of the earth. Our great, our high duty is to show, in our own example, that this spirit is a spirit of health as well as a spirit of power; that its benignity is as great as its strength; that its efficiency to secure individual rights, social relations, and moral order, is equal to the irresistible force with which it prostrates principal-

ities and powers. The world, at this moment, is regarding us with a willing, but something of a fearful admiration. Its deep and awful anxiety is to learn whether free states may be stable as well as free; whether popular power may be trusted as well as feared; in short, whether wise, regular, and virtuous self-government is a vision for the contemplation of theorists, or a truth established, illustrated, and brought into practice in the country of Washington.

Gentlemen, for the earth which we inhabit, and the whole circle of the sun, for all the unborn races of mankind, we seem to hold in our hands, for their weal or woe, the fate of this experiment. If we fail, who shall venture the repetition? If our example shall prove to be one, not of encouragement, but of terror, not fit to be imitated, but fit only to be shunned, where else shall the world look for free models? If this great *Western Sun* be struck out of the firmament, at what other fountain shall the lamp of liberty hereafter be lighted? What other orb shall emit a ray to glimmer, even, on the darkness of the world?

Gentlemen, there is no danger of our overrating or overstating the important part which we are now acting in human affairs. It should not flatter our personal self-respect, but it should reanimate our patriotic virtues, and inspire us with a deeper and more solemn sense, both of our privileges and of our duties. We cannot wish better for our country, nor for the world, than that the same spirit which influenced Washington may influence all who succeed him; and that the same blessing from above, which attended his efforts, may also attend theirs.

The principles of Washington's administration are not left doubtful. They are to be found in the constitution itself, in the great measures recommended and approved by him, in his speeches to congress, and in that most interesting paper, his Farewell Address to the People of the United States. The success of the government under his administration is the highest proof of the soundness of these principles. And, after an experi-

ence of thirty-five years, what is there which an enemy could condemn—what is there which either his friends, or the friends of the country, could wish to have been otherwise? I speak, of course, of great measures and leading principles.

In the first place, all his measures were right in intent. He stated the whole basis of his own great character, when he told the country, in the homely phrase of the proverb, that honesty is the best policy. One of the most striking things ever said of him is, that "*he changed mankind's ideas of political greatness.*" To commanding talents, and to success, the common elements of such greatness, he added a disregard of self, a spotlessness of motive, a steady submission to every public and private duty, which threw far into the shade the whole crowd of vulgar great. The object of his regard was the whole country. No part of it was enough to fill his enlarged patriotism. His love of glory, so far as that may be supposed to have influenced him at all, spurned everything short of general approbation. It would have been nothing to him, that his partisans or his favorites outnumbered, or outvoted, or outmanaged, or outclamored, those of other leaders. He had no favorites—he rejected all partisanship; and, acting honestly for the universal good, he deserved what he has so richly enjoyed, the universal love.

His principle, it was, to act right, and to trust the people for support; his principle, it was, not to follow the lead of sinister and selfish ends, nor to rely on the little arts of party delusion to obtain public sanction for such a course. Born for his country and for the world, he did not give up to party what was meant for mankind. The consequence is, that his fame is as durable as his principles, as lasting as truth and virtue themselves. While the hundreds whom party excitement, and temporary circumstances, and casual combinations, have raised into transient notoriety, sink again, like thin bubbles, bursting and dissolving into the great ocean, Washington's fame is like the

rock which bounds that ocean, and at whose feet its billows are destined to break harmlessly forever.

The maxims upon which Washington conducted our foreign relations were few and simple. The first was an entire and indisputable impartiality toward foreign states. He adhered to this rule of public conduct, against very strong inducements to depart from it, and when the popularity of the moment seemed to favor such a departure. In the next place, he maintained true dignity and unsullied honor in all communications with foreign states. It was among the high duties devolved upon him, to introduce our new government into the circle of civilized states and powerful nations. Not arrogant or assuming, with no unbecoming or supercilious bearing, he yet exacted for it from all others entire and punctilious respect. He demanded, and he obtained at once, a standing of perfect equality for his country in the society of nations; nor was there a prince or potentate of his day, whose personal character carried with it, into the intercourse with other states, a greater degree of respect and veneration.

He regarded other nations only as they stood in political relations to us. With their internal affairs, their political parties and dissensions, he scrupulously abstained from all interference; and, on the other hand, he spiritedly repelled all such interference by others with us or our concerns. His sternest rebuke—the most indignant measure of his whole administration—was aimed against such an attempted interference. He felt it as an attempt to wound the national honor, and resented it accordingly.

The reiterated admonitions in his Farewell Address show his deep fears that foreign influence would insinuate itself into our counsels through the channels of domestic dissension, and obtain a sympathy with our own temporary parties. Against all such dangers, he most earnestly entreats the country to guard itself. He appeals to its patriotism, to its self-respect, to its

own honor, to every consideration connected with its welfare and happiness, to resist, at the very beginning, all tendencies toward such connection of foreign interests with our own affairs. With a tone of earnestness nowhere else found, even in his last affectionate farewell advice to his countrymen, he says, "Against the insidious wiles of foreign influence, (I conjure you to believe me, fellow-citizens,) the jealousy of a free people ought to be *constantly* awake; since history and experience prove that foreign influence is one of the most baneful foes of republican government."

Lastly, on the subject of foreign relations, Washington never forgot that we had interests peculiar to ourselves. The primary political concerns of Europe, he saw, did not affect us. We had nothing to do with her balance of power, her family compacts, or her successions to thrones. We were placed in a condition favorable to neutrality during European wars, and to the enjoyment of all the great advantages of that relation. "Why, then," he asks us, "why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?"

Indeed, gentlemen, Washington's Farewell Address is full of truths important at all times, and particularly deserving consideration at the present. With a sagacity which brought the future before him, and made it like the present, he saw and pointed out the dangers that even at this moment most imminently threaten us. I hardly know how a greater service of that kind could now be done to the community, than by a renewed and wide diffusion of that admirable paper, and an earnest invitation to every man in the country to reperuse and consider it. Its political maxims are invaluable; its exhortations to love of country and to brotherly affection among citizens, touching; and the solemnity with which it urges the observance

of moral duties, and impresses the power of religious obligation, gives to it the highest character of truly disinterested, sincere, parental advice.

The domestic policy of Washington found its pole-star in the avowed objects of the constitution itself. He sought so to administer that constitution, as to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty. These were objects interesting, in the highest degree, to the whole country, and his policy embraced the whole country.

Among his earliest and most important duties was the organization of the government itself, the choice of his confidential advisers, and the various appointments to office. This duty, so important and delicate, when a whole government was to be organized, and all its offices for the first time filled, was yet not difficult to him; for he had no sinister ends to accom plish, no clamorous partisans to gratify, no pledges to redeem, no object to be regarded but simply the public good. It was a plain, straightforward matter—a mere honest choice of good men for the public service.

His own singleness of purpose, his disinterested patriotism, were evinced by the selection of his first cabinet, and by the manner in which he filled the courts of justice, and other places of high trust. He sought for men fit for offices; not for offices which might suit men. Above personal considerations, above local considerations, above party considerations, he felt that he could only discharge the sacred trust which the country had placed in his hands, by a diligent inquiry after real merit, and a conscientious preference of virtue and talent. The whole country was the field of his selection. He explored that whole field, looking only for whatever it contained most worthy and distinguished. He was, indeed, most successful, and he deserved suc-

cess for the purity of his motives, the liberality of his sentiments, and his enlarged and manly policy.

Washington's administration established the national credit, made provision for the public debt, and for that patriotic army whose interest and welfare were always so dear to him; and, by laws wisely framed, and of admirable effect, raised the commerce and navigation of the country, almost at once, from depression and ruin to a state of prosperity. Nor were his eyes open to these interests alone. He viewed with equal concern its agriculture and manufactures, and, so far as they came within the regular exercise of the powers of this government, they experienced regard and favor.

It should not be omitted, gentlemen, even in this slight reference to the general measures and general principles of the first president, that he saw and felt the full value and importance of the judicial department of the government. An upright and able administration of the laws he held to be alike indispensable to private happiness and public liberty. The temple of justice, in his judgment, was a sacred place, and he would profane and pollute it who should call any to minister in it, not spotless in character, not incorruptible in integrity, not competent by talent and learning, not a fit object of unhesitating trust.

Among other admonitions, Washington has left us, in his last communication to his country, an exhortation against the excesses of party spirit. A fire not to be quenched, he yet conjures us not to fan and feed the flame. Undoubtedly, gentlemen, it is the greatest danger of our system and of our time. Undoubtedly, if that system should be overthrown, it will be the work of excessive party spirit, acting on the government, which is dangerous enough, or acting *in* the government, which is a thousand times more dangerous; for government then becomes nothing but organized party, and, in the strange vicissitudes of human affairs, it may come at last, perhaps, to exhibit

the singular paradox of government itself being in opposition to its own powers, at war with the very elements of its own existence. Such cases are hopeless. As men may be protected against murder, but cannot be guarded against suicide, so government may be shielded from the assaults of external foes, but nothing can save it when it chooses to lay violent hands on itself.

Finally, gentlemen, there was in the breast of Washington one sentiment so deeply felt, so constantly uppermost, that no proper occasion escaped without its utterance. From the letter which he signed in behalf of the convention when the constitution was sent out to the people, to the moment when he put his hand to that last paper in which he addressed his countrymen, the Union—the Union was the great object of his thoughts. In that first letter he tells them that, to him and his brethren of the convention, union appears to be the greatest interest of every true American; and in that last paper he conjures them to regard that unity of government which constitutes them one people, as the very palladium of their prosperity and safety, and the security of liberty itself. He regarded the union of these states, not so much as one of our blessings, as the great treasure-house which contained them all. Here, in his judgment, was the great magazine of all our means of prosperity; here, as he thought, and as every American still thinks, are deposited all our animating prospects, all our solid hopes for future greatness. He has taught us to maintain this union, not by seeking to enlarge the powers of the government, on the one hand, nor by surrendering them, on the other; but by an administration of them at once firm and moderate, adopted for objects truly national, and carried on in a spirit of justice and equity.

The extreme solicitude for the preservation of the Union, at all times manifested by him, shows not only the opinion he entertained of its importance, but his clear perception of those

causes which were likely to spring up to endanger it, and which, if once they should overthrow the present system, would leave little hope of any future beneficial reünion. Of all the presumptions indulged by presumptuous man, that is one of the rashest which looks for repeated and favorable opportunities for the deliberate establishment of a united government over distinct and widely extended communities. Such a thing has happened once in human affairs, and but once; the event stands out as a prominent exception to all ordinary history; and unless we suppose ourselves running into an age of miracles, we may not expect its repetition.

Washington, therefore, could regard, and did regard, nothing as of paramount political interest, but the integrity of the Union itself. With a united government, well administered, he saw we had nothing to fear; and without it, nothing to hope. The sentiment is just, and its momentous truth should solemnly impress the whole country. If we might regard our country as personated in the spirit of Washington, if we might consider him as representing her, in her past renown, her present prosperity, and her future career, and as in that character demanding of us all to account for our conduct, as political men or as private citizens, how should he answer him who has ventured to talk of disunion and dismemberment? Or how should he answer him who dwells perpetually on local interests, and fans every kindling flame of local prejudice? How should he answer him who would array state against state, interest against interest, and party against party, careless of the continuance of that *unity of government which constitutes us one people?*

Gentlemen, the political prosperity which this country has attained, and which it now enjoys, it has acquired mainly through the instrumentality of the present government. While this agent continues, the capacity of attaining to still higher degrees of prosperity exists also. We have, while this lasts, a political life capable of beneficial exertion, with power to resist or over

come misfortunes, to sustain us against the ordinary accidents of human affairs, and to promote, by active efforts, every public interest. But dismemberment strikes at the very being which preserves these faculties. It would lay its rude and ruthless hand on this great agent itself. It would sweep away, not only what we possess, but all power of regaining lost, or acquiring new possessions. It would leave the country, not only bereft of its prosperity and happiness, but without limbs, or organs, or faculties, by which to exert itself hereafter in the pursuit of that prosperity and happiness.

Other misfortunes may be borne, or their effects overcome. If disastrous war should sweep our commerce from the ocean, another generation may renew it; if it exhaust our treasury, future industry may replenish it; if it desolate and lay waste our fields, still, under a new cultivation, they will grow green again, and ripen to future harvests. It were but a trifle even if the walls of yonder capitol were to crumble, if its lofty pillars should fall, and its gorgeous decorations be all covered by the dust of the valley. All these might be rebuilt. But who shall reconstruct the fabric of demolished government? Who shall rear again the well proportioned columns of constitutional liberty? Who shall frame together the skillful architecture which unites national sovereignty with state rights, individual security, and public prosperity? No, gentlemen, if these columns fall, they will be raised not again. Like the Coliseum and the Parthenon, they will be destined to a mournful, a melancholy immortality. Bitterer tears, however, will flow over them, than were ever shed over the monuments of Roman or Grecian art; for they will be the remnants of a more glorious edifice than Greece or Rome ever saw—the edifice of constitutional American liberty.

But, gentlemen, let us hope for better things. Let us trust in that gracious Being who has hitherto held our country as in the hollow of his hand. Let us trust to the virtue and the in-

telligence of the people, and to the efficacy of religious obligation. Let us trust to the influence of Washington's example. Let us hope that that fear of Heaven which expels all other fear, and that regard to duty which transcends all other regard, may influence public men and private citizens, and lead our country still onward in her happy career. Full of these gratifying anticipations and hopes, let us look forward to the end of that century which is now commenced. A hundred years hence, other disciples of Washington will celebrate his birth, with no less of sincere admiration than we now commemorate it. When they shall meet, as we now meet, to do themselves and him that honor, so surely as they shall see the blue summits of his native mountains rise in the horizon, so surely as they shall behold the river on whose banks he lived, and on whose banks he rests, still flowing on toward the sea, so surely may they see, as we now see, the flag of the Union floating on the top of the capitol; and then, as now, may the sun in his course visit no land more free, more happy, more lovely, than this our own country!

Gentlemen, I propose—"THE MEMORY OF GEORGE WASHINGTON."

WEBSTER'S MASTER-PIECE

AS

AN ELECTIONEERING SPEAKER.

RECEPTION AT NEW YORK.

INTRODUCTORY NOTE.

It is the custom in England for a candidate for any public office to explain his principles to his constituents, either verbally or in writing, generally by the former mode, on the day of the election; and his opponent or opponents, of course, can exercise the same privilege. This not unfrequently leads to a general discussion, in which the leading partisans on both sides take their share. From England the practice was long ago imported into this country; and here it has been so interwoven into our customs, that scarcely an election takes place without a general contest of this description, which is sometimes accompanied by very serious and disgusting personalities. Mr. Webster's political addresses to the people, however, were always dignified and courteous. Here, as everywhere else, he was a worthy model; and the speech selected as a specimen, delivered in Niblo's Saloon, New York, at the age of *fifty-five*, has never been matched in this country, on any similar occasion, even by himself.

SPEECH AT NEW YORK.

DELIVERED AT NIBLO'S SALOON, ON THE 15TH DAY OF MARCH, 1837.

MR. CHAIRMAN, AND FELLOW-CITIZENS:—It would be idle in me to affect to be indifferent to the circumstances under which I have now the honor of addressing you.

I find myself in the commercial metropolis of the continent, in the midst of a vast assembly of intelligent men, drawn from all the classes, professions, and pursuits of life.

And you have been pleased, gentlemen, to meet me, in this imposing manner, and to offer me a warm and cordial welcome to your city. I thank you. I feel the full force and importance of this manifestation of your regard. In the highly flattering resolutions which invited me here, in the respectability of this vast multitude of my fellow-citizens, and in the approbation and hearty good-will which you have here manifested, I feel cause for profound and grateful acknowledgment.

To every individual of this meeting, therefore, I would now most respectfully make that acknowledgment; and with every one, as with hands joined in mutual greeting, I reciprocate friendly salutation, respect, and good wishes.

But, gentlemen, although I am well assured of your personal regard, I cannot fail to know, that the times, the political and commercial condition of things which exists among us, and an intelligent spirit, awakened to new activity and a new degree of anxiety, have mainly contributed to fill these avenues and crowd these halls. At a moment of difficulty, and of much alarm, you come here as whigs of New York, to meet one

whom you suppose to be bound to you by common principles and common sentiments, and pursuing, with you, a common object. Gentlemen, I am proud to admit this community of our principles, and this identity of our objects. You are for the constitution of the country; so am I. You are for the union of the states; so am I. You are for equal laws, for the equal rights of all men, for constitutional and just restraints on power, for the substance and not the shadowy image only of popular institutions, for a government which has liberty for its spirit and soul, as well as in its forms; and so am I. You feel that if, in warm party times, the executive power is in hands distinguished for boldness, for great success, for perseverance, and other qualities which strike men's minds strongly, there is danger of derangement of the powers of government, danger of a new division of those powers, in which the executive is likely to obtain the lion's part; and danger of a state of things in which the more popular branches of the government, instead of being guards and sentinels against any encroachments from the executive, seek, rather, support from its patronage, safety against the complaints of the people in its ample and all-protecting favor, and refuge in its power; and so I feel, and so I have felt for eight long and anxious years.

You believe that a very efficient and powerful cause in the production of the evils which now fall on the industrious and commercial classes of the community, is the derangement of the currency, the destruction of the exchanges, and the unnatural and unnecessary *misplacement* of the specie of the country, by unauthorized and illegal treasury orders. So do I believe. I predicted all this from the beginning, and from before the beginning. I predicted it all, last spring, when that was attempted to be done by law which was afterward done by executive authority; and from the moment of the exercise of that executive authority to the present time, I have both foreseen and seen the regular progress of things under it, from inconvenience

and embarrassment, to pressure, loss of confidence, disorder, and bankruptcies.

Gentlemen, I mean, on this occasion, to speak my sentiments freely on the great topics of the day. I have nothing to conceal, and shall therefore conceal nothing. In regard to political sentiments, purposes, or objects, there is nothing in my heart which I am ashamed of; I shall throw it all open, therefore, to you, and to all men. [That is right, said some one in the crowd; let us have it, with no non-committal.] Yes, my friend, without non-committal or evasion, without barren generalities or empty phrase, without if or but, without a single touch, in all I say, bearing the oracular character of an inaugural, I shall, on this occasion, speak my mind plainly, freely and independently, to men who are just as free to concur or not to concur in my sentiments, as I am to utter them. I think you are entitled to hear my opinions freely and frankly spoken; but I freely acknowledge that you are still more clearly entitled to retain, and maintain, your own opinions, however they may differ or agree with mine.

It is true, gentlemen, that I have contemplated the relinquishment of my seat in the senate for the residue of the term, now two years, for which I was chosen. This resolution was not taken from disgust or discouragement, although some things have certainly happened which might excite both those feelings. But in popular governments, men must not suffer themselves to be permanently disgusted by occasional exhibitions of political harlequinism, or deeply discouraged, although their efforts to awaken the people to what they deem the dangerous tendency of public measures be not crowned with immediate success. It was altogether from other causes, and other considerations, that, after an uninterrupted service of fourteen or fifteen years, I naturally desired a respite. But those whose opinions I am bound to respect saw objections to a present withdrawal from con-

gress; and I have yielded my own strong desire to their convictions of what the public good requires.

Gentlemen, in speaking here on the subjects which now so much interest the community, I wish in the outset to disclaim all personal disrespect toward individuals. He whose character and fortune have exercised such a decisive influence on our politics for eight years, has now retired from public station. I pursue him with no personal reflections, no reproaches. Between him and myself, there has always existed a respectful personal intercourse. Moments have existed, indeed, critical and decisive upon the general success of his administration, in which he has been pleased to regard my aid as not altogether unimportant. I now speak of him respectfully, as a distinguished soldier, as one who, in that character, has done the state much service; as a man, too, of strong and decided character, of unsubdued resolution and perseverance in whatever he undertakes. In speaking of his civil administration, I speak without censoriousness, or harsh imputation of motives; I wish him health and happiness in his retirement; but I must still speak as I think of his public measures, and of their general bearing and tendency, not only on the present interests of the country, but also on the well-being and security of the government itself.

There are, however, some topics of a less urgent present application and importance, upon which I wish to say a few words, before I advert to those which are more immediately connected with the present distressed state of things.

My learned and highly valued friend (Mr. Ogden) who has addressed me in your behalf, has been kindly pleased to speak of my political career as being marked by a freedom from local interests and prejudices, and a devotion to liberal and comprehensive views of public policy.

I will not say that this compliment is deserved. I will only say, that I have earnestly endeavored to deserve it. Gentle-

men, the general government, to the extent of its power, is national. It is not consolidated, it does not embrace all powers of government. On the contrary, it is delegated, restrained, strictly limited.

But what powers it does possess, it possesses for the general, not for any partial or local good. It extends over a vast territory, embracing now six-and-twenty states, with interests various, but not irreconcilable, infinitely diversified, but capable of being all blended into political harmony.

He, however, who would produce this harmony must survey the whole field, as if all parts were as interesting to himself as they are to others, and with that generous, patriotic feeling, prompter and better than the mere dictates of cool reason, which leads him to embrace the whole with affectionate regard, as constituting, altogether, that object which he is so much bound to respect, to defend, and to love—his country. We have around us, and more or less within the influence and protection of the general government, all the great interests of agriculture, navigation, commerce, manufactures, the fisheries, and the mechanic arts. The duties of the government, then, certainly extend over all this territory, and embrace all these vast interests. We have a maritime frontier, a sea coast, of many thousand miles; and while no one doubts that it is the duty of government to defend this coast by suitable military preparations, there are those who yet suppose that the powers of government stop at this point; and that as to works of peace and works of improvement, they are beyond our constitutional limits. I have ever thought otherwise. Congress has a right, no doubt, to declare war, and to raise armies and navies; and it has necessarily the right to build fortifications and batteries, to protect the coast from the effects of war. But congress has authority also, and it is its duty, to regulate commerce, and it has the whole power of collecting duties on imports and tonnage. It must have ports and harbors, and dock-yards also, for

its navies. Very early in the history of the government, it was decided by congress, on the report of a highly respectable committee, that the transfer by the states to congress of the power of collecting tonnage and other duties, and the grant of authority to regulate commerce, charged congress, necessarily, with the duty of maintaining such piers and wharves and light-houses, and of making such improvements, as might have been expected to be done by the states, if they had retained the usual means, by retaining the power of collecting duties on imports. The states, it was admitted, had parted with this power; and the duty of protecting and facilitating commerce by these means had passed, along with this power, into other hands. I have never hesitated, therefore, when the state of the treasury would admit, to vote for reasonable appropriations, for breakwaters, light-houses, piers, harbors, and similar public improvements, on any part of the whole Atlantic coast or the Gulf of Mexico, from Maine to Louisiana.

But how stands the inland frontier? How is it it along the vast lakes and the mighty rivers of the north and west? Do our constitutional rights and duties terminate when the water ceases to be salt? or do they exist, in full vigor, on the shores of these inland seas? I never could doubt about this; and yet, gentlemen, I remember even to have participated in a warm debate, in the senate, some years ago, upon the constitutional right of congress to make an appropriation for a pier in the harbor of Buffalo. What! make a harbor at Buffalo, where nature never made any, and where therefore it was never intended any ever should be made! Take money from the people to run out piers from the sandy shores of Lake Erie, or deepen the channels of her shallow rivers! Where was the constitutional authority for this? Where would such strides of power stop? How long would the states have any power at all left, if their territory might be ruthlessly invaded for such unhallowed purposes, or how long would the people have any

money in their pockets, if the government of the United States might tax them, at pleasure, for such extravagant projects as these? Piers, wharves, harbors, and breakwaters in the lakes! These arguments, gentlemen, however earnestly put forth heretofore, do not strike us with great power, at the present day, if we stand on the shores of Lake Erie, and see hundreds of vessels, with valuable cargoes and thousands of valuable lives, moving on its waters, with few shelters from the storm, but havens created, or made useful, by the aid of government. These great lakes, stretching away many thousands of miles, not in a straight line, but with turns and deflections, as if designed to reach, by water communication, the greatest possible number of important points through a region of vast extent, cannot but arrest the attention of any one who looks upon the map. They lie connected, but variously placed; and interspersed, as if with studied variety of form and direction, over that part of the country. They were made for man, and admirably adapted for his use and convenience. Looking, gentlemen, over our whole country, comprehending in our survey the Atlantic coast, with its thick population, advanced agriculture, extended commerce, its manufactures and mechanic arts, its varieties of communication, its wealth and its general improvements; and looking then, to the interior, to the immense tracts of fresh, fertile, and cheap lands, bounded by so many lakes, and watered by so many magnificent rivers, let me ask if such a MAP was ever before presented to the eye of any statesman, as the theater for the exercise of his wisdom and patriotism? And let me ask, too, if any man is fit to act a part, on such a theater, who does not comprehend the whole of it within the scope of his policy, and embrace it all as his country?

Again, gentleman, we are one in respect to the glorious constitution under which we live. We are all united in the great brotherhood of American liberty. Descending from the same

ancestors, bred in the same school, taught in infancy to imbibe the same general political sentiments, Americans all, by birth, education, and principle, what but a narrow mind, or woeful ignorance, or besotted selfishness, or prejudice ten times ten times blinded, can lead any of us to regard the citizens of any part of the country as strangers and aliens?

The solemn truth, moreover, is before us, that a common political fate attends us all.

Under the present constitution, wisely and conscientiously administered, all are safe, happy, and renowned. The measure of our country's fame may fill all our breasts. It is fame enough for us all to partake in *her* glory, if we will carry her character onward to its true destiny. But if the system is broken, its fragments must fall alike on all. Not only the cause of American liberty, but the grand cause of liberty throughout the whole earth, depends, in a great measure, on upholding the constitution and union of these states. If shattered and destroyed, no matter by what cause, the peculiar and cherished idea of United American Liberty will be no more forever. There may be free states, it is possible, when there shall be separate states. There may be many loose, and feeble and hostile confederacies, where there is now one great and united confederacy. But the noble idea of United American Liberty, of *our* liberty, such as our fathers established it, will be extinguished forever. Fragments and shattered columns of the edifice may be found remaining; and melancholy and mournful ruins will they be. The august temple itself will be prostrate in the dust. Gentlemen, the citizens of this republic cannot sever their fortunes. A common fate awaits us. In the honor of upholding, or in the disgrace of undermining the constitution, we shall all necessarily partake. Let us then stand by the constitution as it is, and by our country as it is, one, united, and entire; let it be a truth engraven on our hearts, let it be

borne on the flag under which we rally, in every exigency, that we have ONE COUNTRY, ONE CONSTITUTION, ONE DESTINY.

Gentlemen, of our interior administration, the public lands constitute a highly important part. This is a subject of great interest, and it ought to attract much more attention than it has hitherto received, especially from the people of the Atlantic states. The public lands are public property. They belong to the people of all the states. A vast portion of them is composed of territories which were ceded by individual states to the United States, after the close of the revolutionary war, and before the adoption of the present constitution. The history of these cessions, and the reasons for making them, are familiar. Some of the Old Thirteen possessed large tracts of unsettled lands within their chartered limits. The revolution had established their title to these lands, and as the revolution had been brought about by the common treasure and the common blood of all the colonies, it was thought not unreasonable that these unsettled lands should be transferred to the United States, to pay the debt created by the war, and afterward to remain as a fund for the use of all the states. This is the well-known origin of the title possessed by the United States to lands northwest of the Ohio river.

By treaties with France and Spain, Louisiana and Florida, with many millions of acres of unsold public land, have been since acquired. The cost of these acquisitions was paid, of course, by the general government, and was thus a charge upon the whole people. The public lands, therefore, all and singular, are national property; granted to the United States, purchased by the United States, paid for by all the people of the United States.

The idea that, when a new state is created, the public lands lying within her territory become the property of such new state in consequence of her sovereignty, is too preposterous for serious refutation. Such notions have heretofore been advanced in

congress, but nobody has sustained them. They were rejected and abandoned, although one cannot say whether they may not be revived, in consequence of recent propositions which have been made in the senate. The new states are admitted on express conditions, recognizing, to the fullest extent, the right of the United States to the public lands within their borders; and it is no more reasonable to contend that some indefinite idea of state sovereignty overrides all these stipulations, and makes the lands the property of the states, against the provisions and conditions of their own constitution, and the constitution of the United States, than it would be, that a similar doctrine entitled the state of New York to the moneys collected at the custom-house in this city; since it is no more inconsistent with sovereignty that one government should hold lands, for the purpose of sale, within the territory of another, than it is that it should lay and collect taxes and duties within such territory. Whatever extravagant pretensions may have been set up heretofore, there was not, I suppose, an enlightened man in the whole west who insisted on any such right in the states, when the proposition to cede the lands to the states was made, in the late session of congress. The public lands being, therefore, the common property of all the people of all the states, I shall never consent to give them away to particular states, or to dispose of them otherwise than for the general good, and the general use of the whole country.

I felt bound, therefore, on the occasion just alluded to, to resist at the threshold a proposition to cede the public lands to the states in which they lie, on certain conditions. I very much regretted the introduction of such a measure, as its effect must be, I fear, only to agitate what was well settled, and to disturb that course of proceeding in regard to the public lands, which forty years of experience have shown to be so wise and so satisfactory in its operation, both to the people of the old states and to those of the new.

But, gentlemen, although the public lands are not to be given away, nor ceded to particular states, a very liberal policy in regard to them, ought undoubtedly to prevail. Such a policy has prevailed, and I have steadily supported it, and shall continue to support it so long as I may remain in public life. The main object, in regard to these lands, is, undoubtedly, to settle them, so fast as the growth of our population, and its augmentation by emigration, may enable us to settle them.

The lands, therefore, should be sold at a low price; and for one, I have never doubted the right or expediency of granting portions of the lands themselves, or of making grants of money, for objects of internal improvement connected with them.

I have always supported liberal appropriations for the purpose of opening communications to and through these lands by common roads, canals and railroads; and where lands of little value have been long in market, and, on account of their indifferent quality, are not likely to command a common price, I know no objection to a reduction of price, as to such lands, so that they may pass into private ownership. Nor do I feel any objections to the removal of those restraints which prevent the states from taxing the lands for five years after they are sold. But, while in these and all other respects, I am not only reconciled to a liberal policy, but espouse it and support it, and have constantly done so, I hold, still, the national domain to be the general property of the country, confided to the care of congress, and which congress is solemnly bound to protect and preserve for the common good.

The benefit derived from the public lands, after all, is, and must be, in the greatest degree, enjoyed by those who buy them and settle upon them. The original price paid to government constitutes but a small part of their actual value. Their immediate rise in value, in the hands of the settler, gives him competence. He exercises a power of selection over a vast region of fertile territory, all on sale at the same price, and that price

an exceedingly low one. Selection is no sooner made, cultiva tion is no sooner begun, and the first furrow turned, than he already finds himself a man of property. These are the advantages of western emigrants and western settlers; and they are such, certainly, as no country on earth ever before afforded to her citizens. This opportunity of purchase and settlement, this certainty of enhanced value, these sure means of immediate competence and ultimate wealth, all these are the rights and the blessings of the people of the west, and they have my hearty wishes for their full and perfect enjoyment.

I desire to see the public lands cultivated and occupied. I desire the growth and prosperity of the west, and the fullest development of its vast and extraordinary resources. I wish to bring it near to us, by every species of useful communication. I see, not without admiration and amazement, but yet without envy or jealousy, states of recent origin already containing more people than Massachusetts. These people I know to be part of ourselves; they have proceeded from the midst of us, and we may trust that they are not likely to separate themselves, in interest or in feeling, from their kindred, whom they have left on the farms and around the hearths of their common fathers.

A liberal policy, a sympathy with its interests, an enlightened and generous feeling of participation in its prosperity, are due to the west, and will be met, I doubt not, by a return of sentiments equally cordial and equally patriotic.

Gentlemen, the general question of revenue is very much connected with this subject of the public lands, and I will therefore, in a very few words, express my opinions on that point.

The revenue involves not only the supply of the treasury with money, but the question of protection to manufactures. On these connected subjects, therefore, gentlemen, as I have promised to keep nothing back, I will state my opinions plainly, but very shortly.

I am in favor of such a revenue as shall be equal to all the just and reasonable wants of the government; and I am decidedly opposed to all collection or accumulation of revenue beyond this point. An extravagant government expenditure and unnecessary accumulation in the treasury, are both, of all things else, to be most studiously avoided.

I am in favor of protecting American industry and labor, not only as employed in large manufactories, but also, and more especially, as employed in the various mechanic arts, carried on by persons of small capitals, and living by the earnings of their own personal industry. Every city in the Union, and none more than this, would feel severely the consequences of departing from the ancient and continued policy of the government respecting this last branch of protection. If duties were to be abolished on hats, boots, shoes, and other articles of leather, and on the articles fabricated of brass, tin and iron, and on ready-made clothes, carriages, furniture, and many similar articles, thousands of persons would be immediately thrown out of em ployment in this city, and in other parts of the Union. Protection, in this respect, of our own labor against the cheaper, ill-paid, half-fed, and pauper labor of Europe, is in my opinion, a duty which the country owes to its own citizens. I am, therefore, decidedly, for protecting our own industry, and our own labor.

In the next place, gentlemen, I am of opinion that, with no more than usual skill in the application of the well-tried principles of discriminating and specific duties, all the branches of national industry may be protected, without imposing such duties on imports as shall overcharge the treasury.

And as to the revenues arising from the sales of the public lands, I am of opinion that they ought to be set apart for the use of the states. The states need the money. The government of the United States does not need it. Many of the states have contracted large debts for objects of internal improvement;

and others of them have important objects which they would wish to accomplish. The lands were originally granted for the use of the several states; and now that their proceeds are not necessary for the purposes of the general government, I am of opinion that they should go to the states, and to the people of the states, upon an equal principle. Set apart, then, the proceeds of the public lands for the use of the states; supply the treasury from duties on imports; apply to these duties a just and careful discrimination, in favor of articles produced at home by our own labor, and thus support, to a fair extent, our own manufactures. These, gentlemen, appear to me to be the general outlines of that policy which the present condition of the country requires us to adopt.

Gentlemen, proposing to express opinions on the principal subjects of interest at the present moment, it is impossible to overlook the delicate question which has arisen from events which have happened in the late Mexican province of Texas. The independence of that province has now been recognized by the government of the United States. Congress gave the president the means, to be used when he saw fit, of opening a diplomatic intercourse with its government, and the late president immediately made use of those means.

I saw no objection, under the circumstances, to voting an appropriation to be used when the president should think the proper time had come; and he deemed, very promptly, it is true, that the time had already arrived. Certainly, gentlemen, the history of Texas is not a little wonderful. A very few people, in a very short time, have established a government for themselves, against the authority of the parent state; and which government, it is generally supposed, there is little probability, at the present moment, of the parent state being able to overturn.

This government is, in form, a copy of our own. It is an American constitution, substantially after the great American

model. We all, therefore, must wish it success; and there is no one who will more heartily rejoice than I shall, to see an independent community, intelligent, industrious, and friendly to ward us, springing up, and rising into happiness, distinction and power, upon our own principles of liberty and government.

But it cannot be disguised, gentlemen, that a desire, or an intention, is already manifested to annex Texas to the United States. On a subject of such mighty magnitude as this, and at a moment when the public attention is drawn to it, I should feel myself wanting in candor, if I did not express my opinion, since all must suppose that, on such a question, it is impossible that I should be without some opinion.

I say, then, gentlemen, in all frankness, that I see objections, I think insurmountable objections, to the annexation of Texas to the United States. When the constitution was formed, it is not probable that either its framers or the people ever looked to the admission of any states into the Union, except such as then already existed, and such as should be formed out of territories then already belonging to the United States. Fifteen years after the adoption of the constitution, however, the case of Louisiana arose. Louisiana was obtained by treaty with France, who had recently obtained it from Spain; but the object of this acquisition certainly was not mere extension of territory. Other great political interests were connected with it. Spain, while she possessed Louisiana, had held the mouths of the great rivers which rise in the western states, and flow into the gulf of Mexico. She had disputed our use of these rivers already, and with a powerful nation in possession of these outlets to the sea, it is obvious that the commerce of all the west was in danger of perpetual vexation. The command of these rivers to the sea was, therefore, the great object aimed at in the acquisition of Louisiana. But that acquisition necessarily brought territory along with it, and three states now exist, formed out of that ancient province.

A similar policy, and a similar necessity, though perhaps not entirely so urgent, led to the acquisition of Florida.

Now, no such necessity, no such policy, requires the annexation of Texas. The accession of Texas to our territory, is not necessary to the full and complete enjoyment of all which we already possess. Her case, therefore, stands upon a footing entirely different from that of Louisiana and Florida. There being no necessity for extending the limits of the Union in that direction, we ought, I think, for numerous and powerful reasons, to be content with our present boundaries.

Gentlemen, we all see that, by whomsoever possessed, Texas is likely to be a slave-holding country; and I frankly avow my entire unwillingness to do anything that shall extend the slavery of the African race on this continent, or add other slave-holding states to the Union. When I say that I regard slavery in itself as a great moral, social, and political evil, I only use language which has been adopted by distinguished men, themselves citizens of slave-holding states. I shall do nothing, therefore, to favor or encourage its further extension. We have slavery already among us. The constitution found it among us; it recognized it, and gave it solemn guaranties. To the full extent of these guaranties we are all bound, in honor, in justice, and by the constitution. All the stipulations contained in the constitution in favor of the slave-holding states which are already in the Union, ought to be fulfilled, and, so far as depends on me, shall be fulfilled, in the fullness of their spirit and to the exactness of their letter. Slavery, as it exists in the states, is beyond the reach of congress. It is a concern of the states themselves; they have never submitted it to congress, and congress has no rightful power over it. I shall concur, therefore, in no act, no measure, no menace, no indication of purpose, which shall interfere or threaten to interfere with the exclusive authority of the several states over the subject of slavery as it exists

within their respective limits. All this appears to me to be matter of plain and imperative duty.

But when we come to speak of admitting new states, the subject assumes an entirely different aspect. Our rights and our duties are then both different.

The free states, and all the states, are then at liberty to accept or to reject. When it is proposed to bring new members into this political partnership, the old members have a right to say on what terms such new partners are to come in, and what they are to bring along with them. In my opinion, the people of the United States will not consent to bring a new, vastly extensive, and slave-holding country, large enough for half a dozen or a dozen states, into the Union. In my opinion, they ought not to consent to it. Indeed, I am altogether at a loss to conceive what possible benefit any part of this country can expect to derive from such annexation. All benefit to any part is at least doubtful and uncertain; the objections, obvious, plain, and strong. On the general question of slavery, a great portion of the community is already strongly excited. The subject has not only attracted attention as a question of politics, but it has struck a far deeper-toned chord. It has arrested the religious feeling of the country; it has taken strong hold on the consciences of man. He is a rash man, indeed, and little conversant with human nature, and especially has he a very erroneous estimate of the character of the people of this country, who supposes that a feeling of this kind is to be trifled with or despised. It will assuredly cause itself to be respected. It may be reasoned with, it may be made willing, I believe it is entirely willing, to fulfill all existing engagements and all existing duties, to uphold and defend the constitution as it is established, with whatever regrets about some provisions which it does actually contain. But to coerce it into silence, to endeavor to restrain its free expression, to seek to compress and confine it, warm as it is, and more heated as such endeavors would inevitably render

it—should all this be attempted, I know nothing, even in the constitution or in the Union itself, which would not be endangered by the explosion which might follow.

I see, therefore, no political necessity for the annexation of Texas to the Union; no advantages to be derived from it; and objections to it of a strong, and, in my judgment, decisive character.

I believe it to be for the interest and happiness of the whole Union to remain as it is, without diminution and without addition.

Gentlemen, I pass to other subjects. The rapid advancement of the executive authority is a topic which has already been alluded to.

I believe there is serious cause of danger from this source. I believe the power of the executive has increased, is increasing, and ought now to be brought back within its ancient constitutional limits. I have nothing to do with the motives which have led to those acts, which I believe to have transcended the boundaries of the constitution. Good motives may always be assumed, as bad motives may always be imputed. Good intentions will always be pleaded for every assumption of power; but they cannot justify it, even if we were sure that they existed. It is hardly too strong to say, that the constitution was made to guard the people against the dangers of good intention, real or pretended. When bad intentions are boldly avowed, the people will promptly take care of themselves. On the other hand, they will always be asked why they should resist or question that exercise of power which is so fair in its object, so plausible and patriotic in appearance, and which has the public good alone confessedly in view? Human beings, we may be assured, will generally exercise power when they can get it; and they will exercise it most undoubtedly, in popular goverments, under pretenses of public safety or high public interest. It may be very possible that good intentions do really sometimes exist

when constitutional restraints are disregarded. There are men, in all ages, who mean to exercise power usefully; but who mean to exercise it. They mean to govern well; but they mean to govern. They promise to be kind masters; but they mean to be masters. They think there need be but little restraint upon themselves. Their notion of the public interest is apt to be quite closely connected with their own exercise of authority. They may not, indeed, always understand their own motives. The love of power may sink too deep in their hearts even for their own security, and may pass with themselves for mere patriotism and benevolence.

A character has been drawn of a very eminent citizen of Massachusetts, of the last age, which, though I think it does not entirely belong to him, yet very well describes a certain class of public men. It was said of this distinguished son of Massachusets, that in matters of politics and government he cherished the most kind and benevolent feelings toward the whole earth. He earnestly desired to see all nations well governed; and to bring about this happy result, he wished that the United States might govern the rest of the world; that Massachusetts might govern the United States; that Boston might govern Massachusetts; and as for himself, his own humble ambition would be satisfied by governing the little town of Boston.

I do not intend, gentlemen, to commit so unreasonable a trespass on your patience as to discuss all those cases in which I think executive power has been unreasonably extended. I shall only allude to some of them, and, as being earliest in the order of time, and hardly second to any other in importance, I mention the practice of removal from all offices, high and low, for opinion's sake, and on the avowed ground of giving patronage to the president; that is to say, of giving him the power of influencing men's political opinions and political conduct, by hopes and by fears addressed directly to their pecuniary interests. The great battle on this point was fought, and was lost,

in the senate of the United States, in the last session of congress under Mr. Adams's administration. After General Jackson was known to be elected, and before his term of office began, many important offices became vacant, by the usual causes of death and resignation. Mr. Adams, of course, nominated persons to fill these vacant offices. But a majority of the senate was composed of the friends of General Jackson; and, instead of acting on these nominations, and filling the vacant offices with ordinary promptitude, the nominations were postponed to a day beyond the 4th of March, for the purpose, openly avowed, of giving the patronage of the appointments to the president who was then coming into office. And when the new president entered on his office, he withdrew these nominations, and sent in nominations of his own friends in their places. I was of opinion then, and am of opinion now, that that decision of the senate went far to unfix the proper balance of the government. It conferred on the president the power of rewards for party purposes, or personal purposes, without limit or control. It sanctioned, manifestly and plainly, that exercise of power which Mr. Madison had said would deserve impeachment; and it completely defeated one great object, which we are told the framers of the constitution contemplated, in the manner of forming the senate; that is, that the senate might be a body not changing with the election of a president, and therefore likely to be able to hold over him some check or restraint in regard to bringing his own friends and partisans into power with him, and thus rewarding their services to him at the public expense.

The debates in the senate, on these questions, were long continued and earnest. They were of course in secret session, but the opinion of those members who opposed this course have all been proved true by the result. The contest was severe and ardent, as much so as any that I have ever partaken in; and I have seen some service in that sort of warfare.

Gentlemen, when I look back to that eventful moment, when I remember who those were who upheld this claim for executive power, with so much zeal and devotion, as well as with such great and splendid abilities, and when I look round now, and inquire what has become of these gentlemen, where they have found themselves at last, under the power which they thus helped to establish, what has become now of all their respect, trust, confidence, and attachment, how many of them, indeed, have not escaped from being broken and crushed under the weight of the wheels of that engine which they themselves set in motion, I feel that an edifying lesson may be read by those who, in the freshness and fullness of party zeal, are ready to confer the most dangerous power, in the hope that they and their friends may bask in its sunshine, while enemies only shall be withered by its frown.

I will not go into the mention of names. I will give no enumeration of persons; but I ask you to turn your minds back, and recollect who the distinguished men were who supported, in the senate, General Jackson's administration for the first two years; and I will ask you what you suppose they think now of that power and that discretion which they so freely confided to executive hands. What do they think of the whole career of that administration, the commencement of which, and indeed the existence of which, owed so much to their own great exertions?

In addition to the establishment of this power of unlimited and causeless removal, another doctrine has been put forth, more vague, it is true, but altogether unconstitutional, and tending to like dangerous results. In some loose, indefinite, and unknown sense, the president has been called the *representative of the whole American people.* He has called himself so repeatedly, and been so denominated by his friends a thousand times. Acts, for which no specific authority has been found either in the constitution or the laws, have been justified on the ground

that the president is the representative of the whole American people. Certainly, this is not constitutional language. Certainly, the constitution nowhere calls the president the universal representative of the people. The constitutional representatives of the people are in the house of representatives, exercising powers of legislation. The president is an executive officer, appointed in a particular manner, and clothed with prescribed and limited powers. It may be thought to be of no great consequence, that the president should call himself, or that others should call him, the sole representative of all the people, although he has no such appellation or character in the constitution. But, in these matters, words are things. If he is the people's representative, and as such may exercise power, without any other grant, what is the limit to that power? And what may not an unlimited representative of the people do? When the constitution expressly creates representatives, as members of congress, it regulates, defines, and limits their authority. But if the executive chief-magistrate, merely because he is the executive chief-magistrate, may assume to himself another character, and call himself the representative of the whole people, what is to limit or restrain this representative power in his hands?

I fear, gentlemen, that if these pretensions should be continued and justified, we might have many instances of summary political logic, such as I once heard in the house of representatives. A gentleman, not now living, wished very much to vote for the establishment of a bank of the United States, but he had always stoutly denied the constitutional power of congress to create such a bank. The country, however, was in a state of great financial distress, from which such an institution, it was hoped, might help to extricate it; and this consideration led the worthy member to review his opinions with care and deliberation. Happily, on such careful and deliberate review, he altered his former judgment. He came, satisfactorily, to the conclusion

that congress might incorporate a bank. The argument which brought his mind to this result was short, and so plain and obvious, that he wondered how he should so long have overlooked it. The power, he said, to create a bank, was either given to congress, or it was not given. Very well. If it was given, congress of course could exercise it; if it was not given, the people still retained it, and in that case, congress, as the representatives of the people, might, upon an emergency, make free to use it.

Arguments and conclusions in substance like these, gentlemen, will not be wanting, if men of great popularity, commanding characters, sustained by powerful parties, *and full of good intentions toward the public*, may be permitted to call themselves the universal representatives of the people.

But, gentlemen, it is the *currency*, the currency of the country—it is this great subject, so interesting, so vital, to all classes of the community, which has been destined to feel the most violent assaults of executive power. The consequences are around us and upon us. Not unforeseen, not unforetold, here they come, bringing distress for the present, and fear and alarm for the future. If it be denied that the present condition of things has arisen from the president's interference with the revenue, the first answer is, that when he did interfere, just such consequences were predicted. It was then said, and repeated, and pressed upon the public attention, that that interference must necessarily produce derangement, embarrassment, loss of confidence, and commercial distress. I pray you, gentlemen, to recur to the debates of 1832, 1833, and 1834, and then to decide whose opinions have proved to be correct. When the treasury experiment was first announced, who supported, and who opposed it? Who warned the country against it? Who were they who endeavored to stay the violence of party, to arrest the hand of executive authority, and to convince the people that this experiment was delusive; that its object was

merely to increase executive power, and that its effect, sooner or later, must be injurious and ruinous? Gentlemen, it is fair to bring the opinions of political men to the test of experience. It is just to judge of them by their measures, and their opposition to measures; and for myself, and those political friends with whom I have acted, on this subject of the currency, I am ready to abide the test.

But before the subject of the currency, and its present most embarrassing state, is discussed, I invite your attention, gentlemen, to the history of executive proceedings connected with it. I propose to state to you a series of facts; not to argue upon them, not to *mystify* them, not to draw any unjust inference from them; but merely to state the case, in the plainest manner, as I understand it. And I wish, gentlemen, that, in order to be able to do this in the best and most convincing manner, I had the ability of my learned friend, (Mr. Ogden,) whom you have all so often heard, and who usually states his case in such a manner that, when stated, it is already very well argued.

Let us see, gentlemen, what the train of occurrences has been in regard to our revenue and finances; and when these occurrences are stated, I leave to every man the right to decide for himself whether our present difficulties have or have not arisen from attempts to extend the executive authority. In giving this detail, I shall be compelled to speak of the late bank of the United States; but I shall speak of it historically only. My opinion of its utility, and of the extraordinary ability and success with which its affairs were conducted for many years before the termination of its charter, is well known. I have often expressed it, and I have not altered it. But at present, I speak of the bank only as it makes a necessary part in the history of events which I wish now to recapitulate.

Mr. Adams commenced his administration in March, 1825. He had been elected by the house of representatives, and be-

gan his career as president under a strong and powerful opposition. From the very first day, he was warmly, even violently, opposed in all his measures; and this opposition, as we all know, continued without abatement, either in force or asperity, through his whole term of four years. Gentlemen, I am not about to say whether this opposition was well or ill founded, just or unjust. I only state the fact as connected with other facts. The bank of the United States, during these four years of Mr. Adams's administration, was in full operation. It was performing the fiscal duties enjoined on it by its charter; it had established numerous offices, was maintaining a large circulation, and transacting a vast business in exchange. Its character, conduct, and manner of administration were all well known to the whole country.

Now there are two or three things worthy of special notice. One is, that during the whole of this heated political controversy, from 1825 to 1829, the party which was endeavoring to produce a change of administration brought no charge of political interference against the bank of the United States. If anything, it was rather a favorite with the party generally. Certainly, the party, as a party, did not ascribe to it undue attachment to other parties, or to the then existing administration. Another important fact is, that, during the whole of the same period, those who had espoused the cause of General Jackson, and who sought to bring about a revolution under his name, did not propose the destruction of the bank, or its discontinuance, as one of the objects which were to be accomplished by the intended revolution. They did not tell the country that the bank was unconstitutional; they did not declare it unnecessary; they did not propose to get along without it, when they should come into power themselves. If individuals entertained any such purposes, they kept them much to themselves. The party, as a party, avowed none such. A third fact, worthy of all notice, is, that during this period there was no complaint about the

state of the currency, either by the country generally or by the party then in opposition.

In March, 1829, General Jackson was inaugurated. He came in on professions of reform. He announced reform of all abuses to be the great and leading object of his future administration; and in his inaugural address he pointed out the main subjects of this reform. But the bank was not one of them. It was not said that the bank was unconstitutional. It was not said that it was unnecessary or useless. It was not said that it had failed to do all that had been hoped or expected from it in regard to the currency.

In March, 1829, then, the bank stood well, very well, with the new administration. It was regarded, so far as appears, as entirely constitutional, free from political or party taint, and highly useful. It had as yet found no place in the catalogue of abuses to be reformed.

But, gentlemen, nine months wrought a wonderful change. New lights broke forth before these months had rolled away; and the president, in his message to congress, in December, 1829, held very different language and manifested very different purposes.

Although the bank had then five or six years of its charter unexpired, he yet called the attention of congress very pointedly to the subject, and declared: —

1. That the constitutionality of the bank was well doubted by many;

2. That its utility or expediency was also well doubted;

3. That all must admit that it had failed in undertaking to establish or maintain a sound and uniform currency; and

4. That the true bank for the use of the government of the United States would be a bank which should be founded on the revenues and credit of the government itself.

These propositions appeared to me, at the time, as very extraordinary, and the last one as very startling. A bank founded

on the revenue and credit of the government, and managed and administered by the executive, was a conception which I had supposed no man holding the chief executive power in his own hands would venture to put forth.

But the question now is, what had wrought this great change of feeling and of purpose in regard to the bank. What events had occurred between March and December that should have caused the bank, so constitutional, so useful, so peaceful, and so safe an institution, in the first of these months, to start up into the character of a monster, and become so horrid and dangerous, in the last?

Gentlemen, let us see what the events were which had intervened. General Jackson was elected in December, 1828. His term was to begin in March, 1829. A session of congress took place, therefore, between his election and the commencement of his administration.

Now, gentlemen, the truth is, that during this session, and a little before the commencement of the new administration, a disposition was manifested by political men to interfere with the management of the bank. Members of congress undertook to nominate or recommend individuals as directors in the branches, or offices, of the bank. They were kind enough, sometimes, to make out whole lists, or tickets, and to send them to Philadelphia, containing the names of those whose appointments would be satisfactory to General Jackson's friends. Portions of the correspondence on these subjects have been published in some of the voluminous reports and other documents connected with the bank, but perhaps have not been generally heeded or noticed. At first, the bank merely declined, as gently as possible, complying with these and similar requests. But like applications began to show themselves from many quarters, and a very marked case arose as early as June, 1829. Certain members of the legislature of New Hampshire applied for a change in the presidency of the branch which was established

in that state. A member of the senate of the United States wrote both to the president of the bank and to the secretary of the treasury, strongly recommending a change, and in his letter to the secretary hinting very distinctly at political considerations as the ground of the movement. Other officers in the service of the government took an interest in the matter, and urged a change; and the secretary himself wrote to the bank suggesting and recommending it. The time had come, then, for the bank to take its position. It did take it; and, in my judgment, if it had not acted as it did act, not only would those who had the care of it have been most highly censurable, but a claim would have been yielded to, entirely inconsistent with a government of laws, and subversive of the very foundations of republicanism.

A long correspondence between the secretary of the treasury and the president of the bank ensued. The directors determined that they would not surrender either their rights or their duties to the control or supervision of the executive government. They said they had never appointed directors of their branches on political grounds, and they would not remove them on such grounds. They had avoided politics. They had sought for men of business capacity, fidelity, and experience in the management of pecuniary concerns. They owed duties, they said, to the government, which they meant to perform, faithfully and impartially, under all administrations; and they owed duties to the stockholders of the bank, which required them to disregard political considerations in their appointments. This correspondence ran along into the fall of the year, and finally terminated in a stern and unanimous declaration, made by the directors, and transmitted to the secretary of the treasury, that the bank would continue to be independently administered, and that the directors once for all refused to submit to the supervision of the executive authority, in any of its branches, in the appointment of local directors and agents. This resolution decided the char-

acter of the future. Hostility toward the bank, thenceforward, became the settled policy of the government; and the message of December, 1829, was the clear announcement of that policy. If the bank had appointed those directors, thus recommended by members of congress; if it had submitted all its appointments to the supervision of the treasury; if it had removed the president of the New Hampshire branch; if it had, in all things, showed itself a complying, political party machine, instead of an independent institution; if it had done this, I leave all men to judge whether such an entire change of opinion, as to its constitutionality, its utility, and its good effects on the currency would have happened between March and December.

From the moment in which the bank asserted its independence of treasury control, and its elevation above mere party purposes, down to the end of its charter, and down even to the present day, it has been the subject to which the selectest phrases of party denunciation have been plentifully applied.

But congress manifested no disposition to establish a treasury bank. On the contrary, it was satisfied, and so was the country, most unquestionably, with the bank then existing. In the summer of 1832, congress passed an act for continuing the charter of the bank, by strong majorities in both houses. In the house of representatives, I think two-thirds of the members voted for the bill. The president gave it his negative; and as there were not two-thirds of the senate, though a large majority were for it, the bill failed to become a law.

But it was not enough that a continuance of the charter of the bank was thus refused. It had the deposit of the public money, and this it was entitled to by law, for the few years which yet remained of its chartered term. But this it was determined it should not enjoy. At the commencement of the session of 1832–33, a grave and sober doubt was expressed by the secretary of the treasury, in his official communication, whether the public moneys were safe in the custody of the

bank! I confess, gentlemen, when I look back to this suggestion, thus officially made, so serious in its import, so unjust, if not well founded, and so greatly injurious to the credit of the bank, and injurious, indeed, to the credit of the whole country, I cannot but wonder that any man of intelligence and character should have been willing to make it. I read in it, however, the first lines of another chapter. I saw an attempt was now to be make to remove the deposits, and such an attempt was made that very session. But congress was not to be prevailed upon to accomplish the end by its own authority. It was well ascertained that neither house would consent to it. The house of representatives, indeed, at the heel of the session, decided against the proposition by a very large majority.

The legislative authority having been thus invoked, and invoked in vain, it was resolved to stretch farther the long arm of executive power, and by that arm to reach and strike the victim. It so happened that I was in this city in May, 1833, and here learned, from a very authentic source, that the deposits would be removed by the president's order; and in June, as afterward appeared, that order was given.

Now it is obvious, gentlemen, that thus far the changes in our financial and fiscal system were effected, not by congress, but by the executive; not by law, but by the will and the power of the president. Congress would have continued the charter of the bank; but the president negatived the bill. Congress was of opinion that the deposits ought not to be removed; but the president removed them. Nor was this all. The public moneys being withdrawn from the custody which the law had provided, by executive power alone, that same power selected the places for their future keeping. Particular banks, existing under state charters, were chosen. With these, especial and particular arrangements were made, and the public moneys were deposited in their vaults. Henceforward these selected banks were to operate on the revenue and credit of the

government; and thus the original scheme, promulgated in the annual message of December, 1829, was substantially carried into effect. Here were banks chosen by the treasury; all the arrangements made with them made by the treasury; a set of duties prescribed to be performed by them to the treasury; and these banks were to hold the whole proceeds of the public revenue. In all this, congress had neither part nor lot. No law had caused the removal of the deposits; no law had authorized the selection of deposit state banks; no law had prescribed the terms on which the revenues should be placed in such banks. From the beginning of the chapter to the end, it was all executive edict. And now, gentlemen, I ask if it be not most remarkable, that, in a country professing to be under a government of laws, such great and important changes in one of its most essential and vital interests should be brought about without any change of law, without any enactment of the legislature whatever? Is such a power trusted to the executive of any government in which the executive is separated, by clear and well defined lines, from the legislative department? The currency of the country stands on the same general ground as the commerce of the country. Both are intimately connected, and both are subjects of legal, not of executive regulation.

It is worthy of notice, that the writers of the Federalist, in discussing the powers which the constitution conferred on the president, made it matter of commendation, that it withdraws this subject altogether from his grasp. "He can prescribe no rules," say they, "concerning the commerce or *currency* of the country." And so we have been all taught to think, under all former administrations. But we have now seen that the president, and the president alone, does prescribe the rule concerning the currency. He makes it, and he alters it. He makes one rule for one branch of the revenue, and another rule for another. He makes one rule for the citizens of one state, and an-

other for the citizens of another state. This, it is certain, is one part of the treasury order of July last.

But at last congress interfered, and undertook to regulate the deposits of the public moneys. It passed the law of July, 1836, placing the subject under legal control, restraining the power of the executive, subjecting the banks to liabilities and duties, on the one hand, and securing them against executive favoritism, on the other. But this law contained another important provision; which was, that all the money in the treasury, beyond what was necessary for the current expenditures of the government, should be deposited with the states. This measure passed both houses by very unusual majorities, yet it hardly escaped a veto. It obtained only a cold assent, a slow, reluctant, and hesitating approval; and an early moment was seized to array against it a long list of objections. But the law passed. The money in the treasury beyond the sum of five millions was to go to the states. It has so gone, and the treasury for the present is relieved from the burden of a surplus. But now observe other coincidences. In the annual message of December, 1835, the president quoted the fact of the rapidly increasing sale of the public lands as proof of high national prosperity. He alluded to that subject, certainly with much satisfaction, and apparently in something of the tone of exultation. There was nothing said about monopoly, not a word about speculation, not a word about over issues of paper, to pay for the lands. All was prosperous, all was full of evidence of a wise administration of government, all was joy and triumph.

But the idea of a deposit or distribution of the surplus money with the people suddenly damped this effervescing happiness. The color of the rose was gone, and everything now looked gloomy and black. Now no more felicitation or congratulation, on account of the rapid sales of the public lands; no more of this most decisive proof of national prosperity and happiness. The executive muse takes up a melancholy strain. She sings

of monopolies, of speculation, of worthless paper, of loss both of land and money, of the multiplication of banks, and the danger of paper issues; and the end of the canto, the catastrophe, is, that lands shall no longer be sold but for gold and silver alone. The object of all this is clear enough. It was to diminish the income from the public lands. No desire for such a diminution had been manifested, so long as the money was supposed to be likely to remain in the treasury. But a growing conviction that some other disposition must be made of the surplus, awakened attention to the means of preventing that surplus.

Toward the end of the last session, gentlemen, a proposition was brought forward in congress for such an alteration of the law as should admit payment for public lands to be made in nothing but gold and silver. The mover voted for his own proposition; but I do not recollect that any other member concurred in the vote. The proposition was rejected at once; but, as in other cases, that which congress refused to do, the executive power did. Ten days after congress adjourned, having had this matter before it, and having refused to act upon it by making any alteration in the existing laws, a treasury order was issued, commanding the very thing to be done which congress had been requested to do, and had refused to do. Just as in the case of the removal of the deposits, the executive power acted in this case also against the known, well understood, and recently expressed will of the representatives of the people. There never has been a moment when the legislative will would have sanctioned the object of that order; probably never a moment in which any twenty individual members of congress would have concurred in it. The act was done without the assent of congress, and against the well known opinion of congress. That act altered the law of the land, or purports to alter it, against the well known will of the law-making power.

For one, I confess I see no authority whatever in the constitution, or in any law, for this treasury order. Those who have undertaken to maintain it have placed it on grounds, not only different, but inconsistent and contradictory. The reason which one gives, another rejects; one confutes what another argues. With one it is the joint resolution of 1816 which gave the authority; with another, it is the law of 1820; with a third, it is the general superintending power of the president; and this last argument, since it resolves itself into mere power, without stopping to point out the sources of that power, is not only the shortest, but in truth the most just. He is the most sensible, as well as the most candid reasoner, in my opinion, who places this treasury order on the ground of the pleasure of the executive, and stops there. I regard the joint resolution of 1816 as mandatory; as prescribing a legal rule; as putting this subject, in which all have so deep an interest, beyond the caprice, or the arbitrary pleasure, or the discretion, of the secretary of the treasury. I believe there is not the slightest legal authority, either in that officer or the president, to make a distinction, and to say that paper may be received for debts at the custom-house, but that gold and silver only shall be received at the land offices. And now for the sequel.

At the commencement of the last session, as you know, gentlemen, a resolution was brought forward in the senate for annulling and abrogating this order, by Mr. Ewing, a gentleman, of much intelligence, of sound principles, of vigorous and energetic character, whose loss from the service of the country I regard as a public misfortune. The whig members all supported this resolution, and all the members, I believe, with the exception of some five or six, were very anxious in some way to get rid of the treasury order. But Mr. Ewing's resolution was too direct. It was deemed a pointed an ungracious attack on executive policy. Therefore it must be softened, modified, qualified, made to sound less harsh to the ears of men in power, and

to assume a plausible, polished, inoffensive character. It was accordingly put into the plastic hands of friends of the executive to be moulded and fashioned, so that it might have the effect of ridding the country of the obnoxious order, and yet not appear to question executive infallibility. All this did not answer. The late president is not a man to be satisfied with soft words; and he saw, in the measure, even as it passed the two houses, a substantial repeal of the order. He is a man of boldness and decision; and he respects boldness and decision in others. If you are his friend, he expects no flinching; and if you are his adversary, he respects you none the less for carrying your opposition to the full limits of honorable warfare. Gentlemen, I most sincerely regret the course of the president in regard to this bill, and certainly most highly disapprove it. But I do not suffer the mortification of having attempted to disguise and garnish it, in order to make it acceptable, and of still finding it thrown back in my face. All that was obtained by this ingenious, diplomatic, and over-courteous mode of enacting a law, was a response from the president and the attorney-general, that the bill in question was obscure, ill-penned, and not easy to be understood. The bill, therefore, was neither approved nor negatived. If it had been approved, the treasury order would have been annulled, though in a clumsy and objectionable manner. If it had been negatived, and returned to congress, no doubt it would have been passed by two-thirds of both houses, and in that way have become a law, and abrogated the order. But it was not approved, it was not returned; it was retained. It had passed the senate in season; it had been sent to the house in season; but there it was suffered to lie so long without being called up, that it was completely in the power of the president when it finally passed that body; since he is not obliged to return bills which he does not approve, if not presented to him ten days before the end of the session. The bill was lost, therefore, and the treasury order

remains in force. Here again the representatives of the people, in both houses of congress, by majorities almost unprecedented, endeavored to abolish this obnoxious order. On hardly any subject, indeed, has opinion been so unanimous, either in or out of congress. Yet the order remains.

And now, gentlemen, I ask you, and I ask all men who have not voluntarily surrendered all power and all right of thinking for themselves, whether, from 1832 to the present moment, the executive authority has not effectually superseded the power of congress, thwarted the will of the representatives of the people, and even of the people themselves, and taken the whole subject of the currency into its own grasp? In 1832, congress desired to continue the bank of the United States, and a majority of the people desired it also; but the president opposed it, and his will prevailed. In 1833, congress refused to remove the deposits; the president resolved upon it, however, and his will prevailed. Congress has never been willing to make a bank founded on the money and credit of the government, and administered, of course, by executive hands; but this was the president's object, and he attained it, in a great measure, by the treasury selection of deposit banks. In this particular, therefore, to a great extent, his will prevailed. In 1836, congress refused to confine the receipts for public lands to gold and silver; but the president willed it, and his will prevailed. In 1837, both houses of congress, by more than two-thirds, passed a bill for restoring the former state of things by annulling the treasury order; but the president willed, notwithstanding, that the order should remain in force, and his will again prevailed. I repeat the question, therefore, and would put it earnestly to every intelligent man, to every lover of our constitutional liberty, are we under the dominion of the law? or has the effectual government of the country, at least in all that regards the great interest of the currency, been in a single hand?

Gentlemen, I have done with the narrative of events and

measures. I have done with the history of these successive steps, in the progress of executive power, toward a complete control over the revenue and the currency. The result is now all before us. These pretended reforms, these extraordinary exercises of power from an extraordinary zeal for the good of the people, what have they brought us to?

In 1829, the currency was declared to be *neither sound nor uniform;* a proposition, in my judgment, altogether at variance with the fact, because I do not believe there ever was a country of equal extent, in which paper formed any part of the circulation, that possessed a currency so sound, so uniform, so convenient, and so perfect in all respects, as the currency of this country, at the moment of the delivery of that message, in 1829.

But how is it now? Where has the improvement brought it? What has reform done? What has the great cry for hard money accomplished? Is the currency *uniform* now? Is money in New Orleans now as good, or nearly so, as money in New York? Are exchanges at par, or only at the same low rates as in 1829 and other years? Every one here knows that all the benefits of this experiment are but injury and oppression; all this reform, but aggravated distress.

And as to the *soundness* of the currency, how does that stand? Are the causes of alarm less now than in 1829? Is there less bank paper in circulation? Is there less fear of a general catastrophe? Is property more secure, or industry more certain of its reward? We all know, gentlemen, that, during all this pretended warfare against all banks, banks have vastly increased. Millions upon millions of bank paper have been added to the circulation. Everywhere, and nowhere so much as where the present administration and its measures have been most zealously supported, banks have multiplied under state authority, since the decree was made that the bank of the United States should be suffered to expire. Look at Mississippi, Missouri,

Louisiana, Virginia, and other states. Do we not see that banking capital and bank paper are enormously increasing? The opposition to banks, therefore, so much professed, whether it be real or whether it be but pretended, has not restrained either their number or their issues of paper. Both have vastly increased.

And now a word or two, gentlemen, upon this hard-money scheme, and the fancies and the delusions to which it has given birth. Gentlemen, this is a subject of delicacy, and one which it is difficult to treat with sufficient caution, in a popular and occasional address like this. I profess to be a *bullionist*, in the usual and accepted sense of that word. I am for a solid specie basis for our circulation, and for specie as a part of the circulation, so far as it may be practicable and convenient. I am for giving no value to paper, merely as paper. I abhor paper; that is to say, irredeemable paper, paper that may not be converted into gold or silver at the will of the holder. But while I hold to all this, I believe, also, that an exclusive gold and silver circulation is an utter impossibility in the present state of this country and of the world. We shall none of us ever see it; and it is credulity and folly, in my opinion, to act under any such hope or expectation. The states will make banks, and these will issue paper; and the longer the government of the United States neglects its duty in regard to measures for regulating the currency, the greater will be the amount of bank paper overspreading the country. Of this I entertain not a particle of doubt.

While I thus hold to the absolute and indispensable necessity of gold and silver, as the foundation of our circulation, I yet think nothing more absurd and preposterous, than unnatural and strained efforts to import specie. There is but so much specie in the world, and its amount cannot be greatly or suddenly increased. Indeed, there are reasons for supposing that its amount has recently diminished, by the quantity used in

manufactures, and by the diminished products of the mines. The existing amount of specie, however, must support the paper circulations, and the systems of currency, not of the United States only, but of other nations also. One of its great uses is to pass from country to country, for the purpose of settling occasional balances in commercial transactions. It always finds its way, naturally and easily, to places where it is needed for these uses. But to take extraordinary pains to bring it where the course of trade does not bring it, where the state of debt and credit does not require it to be, and then to endeavor, by unnecessary and injurious regulations, treasury orders, accumulations at the mint, and other contrivances, there to retain it, is a course of policy bordering, as it appears to me, on political insanity. It is boasted that we have seventy-five or eighty millions of specie now in the country. But what more senseless, what more absurd, than this boast, if there is a balance against us abroad, of which payment is desired sooner than remittances of our own products are likely to make that payment? What more miserable than the boast of having that which is not ours, which belongs to others, and which the convenience of others, and our own convenience also, require that they should possess? If Boston were in debt to New York, would it be wise in Boston, instead of paying its debt, to contrive all possible means of obtaining specie from the New York banks, and hoarding it at home? And yet this, as I think, would be precisely as sensible as the course which the government of the United States at present pursues. We have, without doubt, a great amount of specie in the country, but it does not answer its accustomed end, it does not perform its proper duty. It neither goes abroad to settle balances against us, and thereby quiet those who have demands upon us; nor is it so disposed of at home as to sustain the circulation to the extent which the circumstances of the times require. A great part of it is in the western banks, in the land offices, on the roads through the wilderness, on the

passages over the lakes, from the land offices to the deposit banks, and from the deposit banks back to the land offices. Another portion is in the hands of buyers and sellers of specie; of men in the west, who sell land-office money to the new settlers for a high premium. Another portion, again, is kept in private hands, to be used when circumstances shall tempt to the purchase of lands. And, gentlemen, I am inclined to think, so loud has been the cry about hard money, and so sweeping the denunciation of all paper, that private holding, or hoarding, prevails to some extent in different parts of the country. These eighty millions of specie, therefore, really do us little good. We are weaker in our circulation, I have no doubt, our credit is feebler, money is scarcer with us, at this moment, than if twenty millions of this specie were shipped to Europe, and general confidence thereby restored.

Gentlemen, I will not say that some degree of pressure might not have come upon us, if the treasury order had not issued. I will not say that there has not been over trading, and over production, and a too great expansion of bank circulation. This may all be so, and the last mentioned evil, it was easy to foresee, was likely to happen when the United States discontinued their own bank. But what I do say is, that, acting upon the state of things as it actually existed, and is now actually existing, the treasury order has been, and now is, productive of great distress. It acts upon a state of things which gives extraordinary force to its stroke, and extraordinary point to its sting. It arrests specie, when the free use and circulation of specie are most important; it cripples the banks, at a moment when the banks more than ever need all their means. It makes the merchant unable to remit, when remittance is necessary for his own credit, and for the general adjustment of commercial balances. I am not now discussing the general question, whether prices must not come down, and adjust themselves anew to the amount of bullion existing in Europe and America.

I am dealing only with the measures of our own government on the subject of the currency, and I insist that these measures have been most unfortunate, and most ruinous on the ordinary means of our circulation at home, and on our ability of remittance abroad.

Their effects, too, by deranging and misplacing the specie which is in the country, are most disastrous on domestic exchanges. Let him who has lent an ear to all these promises of a more uniform currency, see how he can now sell his draft on New Orleans or Mobile. Let the northern manufacturers and mechanics, those who have sold the products of their labor to the south, and heretofore realized the prices with little loss of exchange, let them try present facilities. Let them see what reform of the currency has done for them. Let them inquire whether, in this respect, their condition is better or worse than it was five or six years ago.

Gentlemen, I hold this disturbance of the measure of value, and the means of payment and exchange, this derangement, and, if may so say, this violation of the currency, to be one of the most unpardonable of political faults. He who tampers with the currency robs labor of its bread. He panders, indeed, to greedy capital, which is keen-sighted, and may shift for itself; but he beggars labor, which is honest, unsuspecting, and too busy with the present to calculate for the future. The prosperity of the working classes lives, moves, and has its being in established credit, and a steady medium of payment. All sudden changes destroy it. Honest industry never comes in for any part of the spoils in that scramble which takes place when the currency of a country is disordered. Did wild schemes and projects ever benefit the industrious? Did irredeemable bank paper ever enrich the laborious? Did violent fluctuations ever do good to him who depends on his daily labor for his daily bread? Certainly never. All these things may gratify greediness for sudden gain, or the rashness of daring speculation; but

they can bring nothing but injury and distress to the homes of patient industry and honest labor. Who are they that profit by the present state of things? They are not the many, but the few. They are speculators, brokers, dealers in money, and lenders of money at exorbitant interest. Small capitalists are crushed, and, their means being dispersed, as usual, in various parts of the country, and this miserable policy having destroyed exchanges, they have no longer either money or credit. And all classes of labor partake, and must partake, in the same calamity. And what consolation for all this is it, that the public lands are paid for in specie? that, whatever embarrassment and distress pervade the country, the western wilderness is thickly sprinkled over with eagles and dollars? that gold goes weekly from Milwaukie and Chicago to Detroit, and back again from Detroit to Milwaukie and Chicago, and performs similar feats of egress and regress in many other instances, in the western states? It is remarkable enough, that, with all this sacrifice of general convenience, with all this sky-rending clamor for government payments in specie, government, after all, never gets a dollar. So far as I know, the United States have not now a single specie dollar in the world. If they have, where is it? The gold and silver collected at the land-offices is sent to the deposit banks; it is there placed to the credit of the government, and thereby becomes the property of the bank. The whole revenue of the government, therefore, after all, consists in mere bank credits; that very sort of security which the friends of the administration have so much denounced.

Remember, gentlemen, in the midst of this deafening din against all banks, that, if it shall create such a panic or such alarm as shall shut up the banks, it will shut up the treasury of the United States also.

Gentlemen, I would not willingly be a prophet of ill. I most devoutly wish to see a better state of things; and I believe the repeal of the treasury order would tend very much to bring

about that better state of things. And I am of opinion, gentlemen, that the order will be repealed. I think it must be repealed. I think the east, west, north, and south will demand its repeal. But, gentlemen, I feel it my duty to say, that, if I should be disappointed in this expectation, I see no immediate relief to the distresses of the community. I greatly fear, even, that the worst is not yet. I look for severer distresses; for extreme difficulties in exchange, for far greater inconveniences in remittance, and for a sudden fall in prices. Our condition is one which is not to be tampered with, and the repeal of the treasury order, being something which government can do, and which will do good, the public voice is right in demanding that repeal. It is true, if repealed now, the relief will come late. Nevertheless its repeal or abrogation is a thing to be insisted on, and pursued, till it shall be accomplished. The executive control over the currency, this power of discriminating, by treasury order, between one man's debt and another man's debt, is a thing not to be endured in a free country; and it should be the constant, persisting demand of all true whigs—"Rescind the illegal treasury order, restore the rule of the law, place all branches of the revenue on the same grounds, make men's rights equal, and leave the government of the country where the constitution leaves it, in the hands of the representatives of the people in congress." This point should never be surrendered or compromised. Whatever is established, let it be equal, and let it be legal. Let men know, to-day, what money may be required of them to-morrow. Let the rule be open and public, on the pages of the statute-book, not a secret, in the executive breast.

Gentlemen, in the session which has now just closed, I have done my utmost to effect a direct and immediate repeal of the treasury order.

I have voted for a bill anticipating the payment of the

French and Neapolitan indemnities by an advance from the treasury.

I have voted with great satisfaction for the restoration of du ties on goods destroyed in the great conflagration in this city.

I have voted for a deposit with the states of the surplus which may be in the treasury at the end of the year.. All these measures have failed; and it is for you, and for our fellow-citizens throughout the country, to decide whether the public interest would, or would not, have been promoted by their success.

But I find, gentlemen, that I am committing an unpardonable trespass on your indulgent patience. I will pursue these remarks no further. And yet I cannot persuade myself to take leave of you without reminding you, with the utmost deference and respect, of the important part assigned to you in the political concerns of your country, and of the great influence of your opinions, your example, and your efforts upon the general prosperity and happiness.

Whigs of New York! Patriotic citizens of this great metropolis! Lovers of constitutional liberty, bound by interest and by affection to the institutions of your country, Americans in heart and in principle!—you are ready, I am sure, to fulfill all the duties imposed upon you by your situation, and demanded of you by your country. You have a central position; your city is the point from which intelligence emanates, and spreads in all directions over the whole land. Every hour carries reports of your sentiments and opinions to the verge of the Union. You cannot escape the responsibility which circumstances have thrown upon you. You must live and act, on a broad and conspicuous theater, either for good or for evil to your country. You cannot shrink away from your public duties; you cannot obscure yourselves, nor bury your talent. In the common welfare, in the common prosperity, in the common glory of Americans, you have a stake of value not to

be calculated. You have an interest in the preservation of the Union, of the constitution, and of the true principles of the government, which no man can estimate. You act for yourselves, and for the generations that are to come after you; and those who ages hence shall bear your names, and partake your blood, will feel, in their political and social condition, the consequences of the manner in which you discharge your political duties.

Having fulfilled, then, on your part and on mine, though feebly and imperfectly on mine, the offices of kindness and mutual regard required by this occasion, shall we not use it to a higher and nobler purpose? Shall we not, by this friendly meeting, refresh our patriotism, rekindle our love of constitutional liberty, and strengthen our resolutions of public duty? Shall we not, in all honesty and sincerity, with pure and disinterested love of country, as Americans, looking back to the renown of our ancestors, and looking forward to the interests of our posterity, here, to-night, pledge our mutual faith to hold on to the last to our professed principles, to the doctrines of true liberty, and to the constitution of the country, let who will prove true, or who will prove recreant? Whigs of New York! I meet you in advance, and give you my pledge for my own performance of these duties, without qualification, and without reserve. Whether in public life or in private life, in the capitol or at home, I mean never to desert them. I mean never to forget that I have a country, to which I am bound by a thousand ties; and the stone which is to lie on the ground that shall cover me, shall not bear the name of a son ungrateful to his native land.

WEBSTER'S MASTER-PIECE

AS

AN OFFICIAL LETTER-WRITER.

LETTER ON IMPRESSMENT.

INTRODUCTORY NOTE.

Mr. Webster's letter to Lord Ashburton, on Impressment, written in 1842, at the age of *sixty*, is a master-piece of its kind, not only for the bold positions it assumes, and the strong arguments it advances, but for the very classic style of the performance, which is scarcely excelled in the language as a piece of English composition. It may be taken as a specimen of his written style, when the subject admitted of the use of the higher elements of his peculiar diction.

LETTER ON IMPRESSMENT.

MR. WEBSTER TO LORD ASHBURTON.

DEPARTMENT OF STATE,
WASHINGTON, August 8, 1842.

MY LORD,—We have had several conversations on the subject of impressment, but I do not understand that your lordship has instructions from your government to negotiate upon it, nor does the government of the United States see any utility in opening such negotiation, unless the British government is prepared to renounce the practice in all future wars.

No cause has produced to so great an extent, and for so long a period, disturbing and irritating influences on the political relations of the United States and England, as the impressment of seamen by British cruisers from American merchant-vessels.

From the commencement of the French revolution to the breaking out of the war between the two countries in 1812, hardly a year elapsed without loud complaint and earnest remonstrance. A deep feeling of opposition to the right claimed, and to the practice exercised under it, and not unfrequently exercised without the least regard to what justice and humanity would have dictated, even if the right itself had been admitted, took possession of the public mind of America, and this feeling, it is well known, coöperated most powerfully with other causes to produce the state of hostilities which ensued.

At different periods, both before and since the war, negotiations have taken place between the two governments, with the hope of finding some means of quieting these complaints. At some times, the effectual abolition of the practice has been requested

and treated of; at other times, its temporary suspension; and at other times, again, the limitation of its exercise, and some security against its enormous abuses.

A common destiny has attended these efforts; they have all failed. The question stands at this moment where it stood fifty years ago. The nearest approach to a settlement was a convention proposed in 1803, and which had come to the point of signature, when it was broken off in consequence of the British government insisting that the *narrow seas* should be expressly excepted out of the sphere over which the contemplated stipulation against impressment should extend. The American minister, Mr. King, regarded this exception as quite inadmissible, and chose rather to abandon the negotiation than to acquiesce in the doctrine which it proposed to establish.

England asserts the right of impressing British subjects, in time of war, out of neutral merchant-vessels, and of deciding by her visiting officers who, among the crews of such merchant-vessels, are British subjects. She asserts this as a legal exercise of the prerogative of the crown; which prerogative is alleged to be founded on the English law of perpetual and indissoluble allegiance of the subject, and his obligation under all circumstances, and for his whole life, to render military service to the crown whenever required.

This statement, made in the words of eminent British jurists, shows at once that the English claim is far broader than the basis or platform on which it is raised. The law relied on is English law; the obligations insisted on are obligations existing between the crown of England and its subjects. This law and these obligations, it is admitted, may be such as England may choose they shall be. But then they must be confined to the parties. Impressment of seamen out of and beyond English territory, and from on board the ships of other nations, is an interference with the rights of other nations; is further, therefore, than English prerogative can legally extend; and is

nothing but an attempt to enforce the peculiar law of England beyond the dominions and jurisdiction of the crown. The claim asserts an extra-territorial authority for the law of British prerogative, and assumes to exercise this extra-territorial authority, to the manifest injury and annoyance of the citizens and subjects of other states, on board their own vessels, on the high seas.

Every merchant-vessel on the seas is rightfully considered as part of the territory of the country to which it belongs. The entry, therefore, into such vessel, being neutral, by a belligerent, is an act of force, and is, *prima facie*, a wrong, a trespass, which can be justified only when done for some purpose allowed to form a sufficient justification by the law of nations. But a British cruiser enters an American merchant-vessel in order to take therefrom supposed British subjects; offering no justification, therefore, under the law of nations, but claiming the right under the law of England respecting the king's prerogative. This cannot be defended. English soil, English terrritory, English jurisdiction, is the appropriate sphere for the operation of English law. The ocean is the sphere of the law of nations; and any merchant-vessel on the seas is by that law under the protection of the laws of her own nation, and may claim immunity, unless in cases in which that law allows her to be entered or visited.

If this notion of perpetual allegiance, and the consequent power of the prerogative, were the law of the world; if it formed part of the conventional code of nations, and was usually practised, like the right of visiting neutral ships, for the purpose of discovering and seizing enemy's property, then impressment might be defended as a common right, and there would be no remedy for the evil till the national code should be altered. But this is by no means the case. There is no such principle incorporated into the code of nations. The doctrine stands only as English law, not as a national law; and English law cannot

be of force beyond English dominion. Whatever duties or relations that law creates between the sovereign and his subjects can be enforced and maintained only within the realm, or proper possessions or territory of the sovereign. There may be quite as just a prerogative right to the property of subjects as to their personal services, in an exigency of the state; but no government thinks of controlling by its own laws property of its subjects situated abroad; much less does any government think of entering the territory of another power for the purpose of seizing such property and applying it to its own uses. As laws, the prerogatives of the crown of England have no obligation on persons or property domiciled or situated abroad.

"When, therefore," says an authority not unknown or unregarded on either side of the Atlantic, "we speak of the right of a state to bind its own native subjects everywhere, we speak only of its own claim and exercise of sovereignty over them when they return within its own territorial jurisdiction, and not of its right to compel or require obedience to such laws, on the part of other nations, within their own territorial sovereignty. On the contrary, every nation has an exclusive right to regulate persons and things within its own territory, according to its sovereign will and public polity."

The good sense of these principles, their remarkable pertinency to the subject now under consideration, and the extraordinary consequences resulting from the British doctrine, are signally manifested by that which we see taking place every day. England acknowledges herself overburdened with population of the poorer classes. Every instance of the emigration of persons of those classes is regarded by her as a benefit. England, therefore, encourages emigration; means are notoriously supplied to emigrants, to assist their conveyance, from public funds; and the New World, and most especially these United States, receive the many thousands of her subjects thus ejected from the bosom of their native land by the necessities of their

condition. They come away from poverty and distress in overcrowded cities, to seek employment, comfort, and new homes in a country of free institutions, possessed by a kindred race, speaking their own language, and having laws and usages in many respects like those to which they have been accustomed; and a country which, upon the whole, is found to possess more attractions for persons of their character and condition than any other on the face of the globe. It is stated that, in the quarter of the year ending with June last, more than twenty-six thousand emigrants left the single port of Liverpool for the United States, being four or five times as many as left the same port within the same period for the British colonies and all other parts of the world. Of these crowds of emigrants, many arrive in our cities in circumstances of great destitution, and the charities of the country, both public and private, are severely taxed to relieve their immediate wants. In time they mingle with the new community in which they find themselves, and seek means of living. Some find employment in the cities, others go to the frontiers, to cultivate lands reclaimed from the forest; and a greater or less number of the residue, becoming in time naturalized citizens, enter into the merchant service under the flag of their adopted country.

Now, my lord, if war should break out between England and a European power, can anything be more unjust, anything more irreconcilable to the general sentiments of mankind, than that England should seek out these persons, thus encouraged by her and compelled by their own condition to leave their native homes, tear them away from their new employments, their new political relations, and their domestic connections, and force them to undergo the dangers and hardships of military service for a country which has thus ceased to be their own country? Certainly, certainly, my lord, there can be but one answer to this question. Is it not far more reasonable that England should either prevent such emigration of her subjects,

or that, if she encourage and promote it, she should leave them, not to the embroilment of a double and contradictory allegiance, but to their own voluntary choice, to form such relations, political or social, as they see fit in the country where they are to find their bread, and to the laws and institutions of which they are to look for defense and protection?

A question of such serious importance ought now to be put at rest. If the United States give shelter and protection to those whom the policy of England annually casts upon their shores; if, by the benign influences of their government and institutions, and by the happy condition of the country, those emigrants become raised from poverty to comfort, finding it easy even to became land-holders, and being allowed to partake in the enjoyment of all civil rights; if all this may be done, (and all this is done, under the countenance and encouragement of England herself,) is it not high time, my lord, that, yielding that which had its origin in feudal ideas as inconsistent with the present state of society, and especially with the intercourse and relations subsisting between the Old World and the New, England should at length formally disclaim all right to the services of such persons, and renounce all control over their conduct?

But impressment is subject to objections of a much wider range. If it could be justified in its application to those who are declared to be its only objects, it still remains true that, in its exercise, it touches the political rights of other governments, and endangers the security of their own native subjects, and citizens. The sovereignty of the state is concerned in maintaining its exclusive jurisdiction and possession over its merchant-ships on the seas, except so far as the law of nations justifies intrusion upon that possession for special purposes; and all experience has shown, that no member of a crew, wherever born, is safe against impressment when a ship is visited.

The evils and injuries resulting from the actual practice can

hardly be overrated, and have ever proved themselves to be such as should lead to its relinquishment, even if it were founded in any defensible principle. The difficulty of discriminating between English subjects and American citizens has always been found to be great, even when an honest purpose of discrimination has existed. But the lieutenant of a man-of-war, having necesssity for men, is apt to be a summary judge, and his decisions will be quite as significant of his own wants and his own power, as of the truth and justice of the case. An extract from a letter of Mr. King, of the 13th of April, 1797, to the American secretary of state, shows something of the enormous extent of these wrongful seizures.

"Instead of a few, and these in many instances equivocal cases, I have," says he, "since the month of July past, made application for the discharge from British men-of-war of two hundred and seventy-one seamen, who, stating themselves to be Americans, have claimed my interference. Of this number, eighty-six have been ordered by the admiralty to be discharged, thirty seven more have been detained as British subjects or as American volunteers, or for want of proof that they are Americans, and to my applications for the discharge of the remaining one hundred and forty-eight I have received no answer; the ships on board of which these seamen were detained having, in many instances, sailed before an examination was made in consequence of my application.

"It is certain that some of those who have applied to me are not American citizens, but the exceptions are, in my opinion, few, and the evidence, exclusive of certificates, has been such as, in most cases, to satisfy me that the applicants were real Americans, who have been forced into the British service, and who, with singular constancy, have generally persevered in refusing pay or bounty, though in some instances they have been in service more than two years."

But the injuries of impressment are by no means confined

to its immediate subjects, or the individuals on whom it is practised. Vessels suffer from the weakening of their crews, and voyages are often delayed, and not unfrequently broken up, by subtraction from the number of necessary hands by impressment. And what is of still greater and more general moment, the fear of impressment has been found to create great difficulty in obtaining sailors for the American merchant service in times of European war. Seafaring men, otherwise inclined to enter into that service, are, as experience has shown, deterred by the fear of finding themselves ere long in compulsory military service in British ships of war. Many instances have occurred, fully established in proof, in which raw seamen, natives of the United States, fresh from the fields of agriculture, entering for the first time on shipboard, have been impressed before they made the land, placed on the decks of British men-of-war, and compelled to serve for years before they could obtain their release, or revisit their country and their homes. Such instances become known, and their effect in discouraging young men from engaging in the merchant service of their country can neither be doubted nor wondered at. More than all, my lord, the practice of impressment, whenever it has existed, has produced, not conciliation and good feeling, but resentment, exasperation, and animosity between the two great commercial countries of the world.

In the calm and quiet which have succeeded the late war, a condition so favorable for dispassionate consideration, England herself has evidently seen the harshness of impressment, even when exercised on seamen in her own merchant service, and she has adopted measures calculated, if not to renounce the power or to abolish the practice, yet at least to supersede its necessity by other means of manning the royal navy more compatible with justice and the rights of individuals, and far more conformable to the spirit and sentiments of the age.

Under these circumstances, the government of the United

States has used the occasion of your lordship's pacific mission to review this whole subject, and to bring it to your notice and that of your government. It has reflected on the past, pondered the condition of the present, and endeavored to anticipate, so far as might be in its power, the probable future; and I am now to communicate to your lordship the result of these deliberations.

The American government, then, is prepared to say that the practice of impressing seamen from American vessels cannot hereafter be allowed to take place. That practice is founded on principles which it does not recognize, and is invariably attended by consequences so unjust, so injurious, and of such formidable magnitude, as cannot be submitted to.

In the early disputes between the two governments on this so long contested topic, the distinguished persons to whose hands were first entrusted the seals of this department, declared, that "the simplest rule will be, that the vessel being American shall be evidence that the seamen on board are such."

Fifty years' experience, the utter failure of many negotiations, and a careful reconsideration now had, of the whole subject, at a moment when the passions are laid, and no present interest or emergency exists to bias the judgment, have fully convinced this government that this is not only the simplest and best, but the only rule, which can be adopted and observed, consistently with the rights and honor of the United States and the security of their citizens. That rule announces, therefore, what will hereafter be the principle maintained by their government. In every regularly-documented American merchant-vessel the crew who navigate it will find their protection in the flag which is over them.

This announcement is not made, my lord, to revive useless recollections of the past, nor to stir the embers from fires which have been, in a great degree, smothered by many years of peace. Far otherwise. Its purpose is to extinguish those fires effectu

ally, before new incidents arise to fan them into flame. The communication is in the spirit of peace, and for the sake of peace, and springs from a deep and conscientious conviction that high interests of both nations require that this so long contested and controverted subject should now be finally put to rest. I persuade myself that you will do justice to this frank and sincere avowal of motives, and that you will communicate your sentiments in this respect to your government.

This letter closes, my lord, on my part, our official correspondence; and I gladly use the occasion to offer you the assurance of my high and sincere regard.

DANIEL WEBSTER.

LORD ASHBURTON, &c. &c. &c.

WEBSTER'S MASTER-PIECE

AS

A SENATOR IN CONGRESS.

I. THE REPLY TO HAYNE.
II. CONSTITUTION NOT A COMPACT.
III. CONSTITUTION AND THE UNION.

INTRODUCTORY NOTE.

Of the three following speeches, two were thoroughly prepared before delivery. The other, the reply to Hayne, was nearly extemporaneous. The two will always impart that peculiar pleasure which the mind receives in the contemplation of a nearly perfect work. The one, delivered at the age of *forty-eight*, will ever bear the palm with the great majority of readers. "When the orator, upon some great occasion," says Tacitus, "comes with a well-digested speech, conscious of his matter, and animated by his subject, his breast expands, and heaves with emotions unfelt before. In his joy there is a dignity suited to the weight and energy of the composition which he has prepared. Does he rise to hazard himself in the debate? He is alarmed for himself, but in that very alarm, there is a mixture of pleasure, which predominates, till distress itself becomes delightful. The mind exults in the prompt exertion of its powers, and even glories in its rashness. The productions of genius, and those of the field, have this resemblance: many things are sown and brought to maturity with toil and care, yet that which grows from the wild vigor of nature has the most grateful flavor." Who that has heard Daniel Webster speak, with or without elaborate preparation, does not instantly recall his image, in both these departments of his oratory, in each of which he was an equal master, the moment this language of the Roman critic and historian is read and recollected? The speeches that follow, which close this collection of his master-pieces, need no better introduction.

REPLY TO HAYNE.

SPEECH IN THE SENATE OF THE UNITED STATES, ON FOOT'S RESOLUTION, ON THE 26TH OF JANUARY, 1830.

Mr. President:—When the mariner has been tossed for many days in thick weather, and on an unknown sea, he naturally avails himself of the first pause in the storm, the earliest glance of the sun, to take his latitude, and ascertain how far the elements have driven him from his true course. Let us imitate this prudence, and, before we float farther on the waves of this debate, refer to the point from which we departed, that we may at least be able to conjecture where we now are. I ask for the reading of the resolution.

The secretary read the resolution, as follows:

"*Resolved*, That the committee on public lands be instructed to inquire and report the quantity of public lands remaining unsold within each state and territory, and whether it be expedient to limit for a certain period the sales of the public lands to such lands only as have heretofore been offered for sale, and are now subject to entry at the minimum price. And, also, whether the office of surveyor-general, and some of the land offices, may not be abolished without detriment to the public interest; or whether it be expedient to adopt measures to hasten the sales and extend more rapidly the surveys of the public lands."

We have thus heard, sir, what the resolution is which is actually before us for consideration; and it will readily occur to every one, that it is almost the only subject about which something has not been said in the speech, running through two days, by which the senate has been now entertained by the

gentleman from South Carolina. Every topic in the wide range of our public affairs, whether past or present—everything, general or local, whether belonging to national politics or party politics—seems to have attracted more or less of the honorable member's attention, save only the resolution before the senate. He has spoken of everything but the public lands; they have escaped his notice. To that subject, in all his excursions, he has not paid even the cold respect of a passing glance.

When this debate, sir, was to be resumed, on Thursday morning, it so happened that it would have been convenient for me to be elsewhere. The honorable member, however, did not incline to put off the discussion to another day. He had a shot, he said, to return, and he wished to discharge it. That shot, sir, which it was kind thus to inform us was coming, that we might stand out of the way, or prepare ourselves to fall before it and die with decency, has now been received. Under all advantages, and with expectation awakened by the tone which preceded it, it has been discharged, and has spent its force. It may become me to say no more of its effect, than that, if nobody is found, after all, either killed or wounded by it, it is not the first time, in the history of human affairs, that the vigor and success of the war have not quite come up to the lofty and sounding phrase of the manifesto.

The gentleman, sir, in declining to postpone the debate, told the senate, with the emphasis of his hand upon his heart, that there was something rankling *here*, which he wished to relieve.

Mr. Hayne rose and disclaimed having used the word *rankling.*

It would not, sir, be safe for the honorable member to appeal to those around him, upon the question whether he did in fact make use of that word. But he may have been unconscious of it. At any rate, it is enough that he disclaims it. But still, with or without the use of that particular word, he had yet

something *here*, he said, of which he wished to rid himself by an immediate reply. In this respect, sir, I have a great advantage over the honorable gentleman. There is nothing *here*, sir, which gives me the slightest uneasiness; neither fear, nor anger, nor that which is sometimes more troublesome than either, the consciousness of having been in the wrong. There is nothing, either originating *here*, or now received *here* by the gentleman's shot. Nothing original; for I had not the slightest feeling of disrespect or unkindness toward the honorable member. Some passages, it is true, had occurred since our acquaintance in this body, which I could have wished might have been otherwise; but I had used philosophy and forgotten them. When the honorable member rose in his first speech, I paid him the respect of attentive listening; and when he sat down, though surprised, and I must say even astonished, at some of his opinions, nothing was farther from my intention than to commence any personal warfare. And through the whole of the few remarks I made in answer, I avoided, studiously and carefully, everything which I thought possible to be construed into disrespect. And, sir, while there is thus nothing originating *here* which I wished at any time, or now wish, to discharge, I must repeat, also, that nothing has been received *here* which *rankles*, or in any way gives me annoyance. I will not accuse the honorable member of violating the rules of civilized war; I will not say that he poisoned his arrows. But whether his shafts were, or were not, dipped in that which would have caused rankling if they had reached, there was not, as it happened, quite strength enough in the bow to bring them to their mark. If he wishes now to gather up those shafts, he must look for them elsewhere; they will not be found fixed and quivering in the object at which they were aimed.

The honorable member complained that I had slept on his speech. I must have slept on it, or not slept at all. The moment the honorable member sat down, his friend from Missouri

rose, and, with much honeyed commendation of the speech, suggested that the impressions which it had produced were too charming and delightful to be disturbed by other sentiments or other sounds, and proposed that the senate should adjourn. Would it have been quite amiable in me, sir, to interrupt this excellent good feeling? Must I not have been absolutely malicious, if I could have thrust myself forward, to destroy sensations thus pleasing? Was it not much better and kinder, both to sleep upon them myself, and to allow others also the pleasure of sleeping upon them? But if it be meant, by sleeping upon his speech, that I took time to prepare a reply to it, it is quite a mistake. Owing to other engagements, I could not employ even the interval between the adjournment of the senate and its meeting the next morning, in attention to the subject of this debate. Nevertheless, sir, the mere matter of fact is undoubtedly true. I did sleep on the gentleman's speech, and slept soundly. And I slept equally well on his speech of yesterday, to which I am now replying. It is quite possible that in this respect, also, I possess some advantage over the honorable member, attributable, doubtless, to a cooler temperament on my part; for, in truth, I slept upon his speeches remarkably well.

But the gentleman inquires why *he* was made the object of such a reply. Why was he singled out? If an attack has been made on the east, he, he assures us, did not begin it; it was made by the gentleman from Missouri. Sir, I answered the gentleman's speech because I happened to hear it; and because, also, I chose to give an answer to that speech, which, if unanswered, I thought most likely to produce injurious impressions. I did not stop to inquire who was the original drawer of the bill. I found a responsible endorser before me, and it was my purpose to hold him liable, and to bring him to his just responsibilty, without delay. But, sir, this interrogatory of the honorable member was only introductory to another. He pro-

ceeded to ask me whether I had turned upon him, in this debate, from the consciousness that I should find an overmatch, if I ventured on a contest with his friend from Missouri. If, sir, the honorable member, *ex gratia modestiæ*, had chosen thus to defer to his friend, and to pay him a compliment, without intentional disparagement to others, it would have been quite according to the friendly courtesies of debate, and not at all ungrateful to my own feelings. I am not one of those, sir, who esteem any tribute of regard, whether light and occasional, or more serious and deliberate, which may be bestowed on others, as so much unjustly withholden from themselves. But the tone and manner of the gentleman's question forbid me thus to interpret it. I am not at liberty to consider it as nothing more than a civility to his friend. It had an air of taunt and disparagement, something of the loftiness of asserted superiority, which does not allow me to pass it over without notice. It was put as a question for me to answer, and so put as if it were difficult for me to answer, whether I deemed the member from Missouri an overmatch for myself, in debate here. It seems to me, sir, that this is extraordinary language, and an extraordinary tone, for the discussions of this body.

Matches and overmatches! Those terms are more applicable elsewhere than here, and fitter for other assemblies than this. Sir, the gentleman seems to forget where and what we are. This is a senate, a senate of equals, of men of individual honor and personal character, and of absolute independence. We know no masters, we acknowledge no dictators. This is a hall for mutual consultation and discussion; not an arena for the exhibition of champions. I offer myself, sir, as a match for no man; I throw the challenge of debate at no man's feet. But then, sir, since the honorable member has put the question in a manner that calls for an answer, I will give him an answer; and I tell him, that, holding myself to be the humblest of the members here, I yet know nothing in the arm of his friend from

Missouri, either alone or when aided by the arm of *his* friend from South Carolina, that need deter even me from espousing whatever opinions I may choose to espouse, from debating whenever I may choose to debate, or from speaking whatever I may see fit to say, on the floor of the senate. Sir, when uttered as matter of commendation or compliment, I should dissent from nothing which the honorable member might say of his friend. Still less do I put forth any pretensions of my own. But when put to me as a matter of taunt, I throw it back, and say to the gentleman, that he could possibly say nothing less likely than such a comparison to wound my pride of personal character. The anger of its tone rescued the remark from intentional irony, which otherwise, probably, would have been its general acceptation. But, sir, if it be imagined that by this mutual quotation and commendation; if it be supposed that, by casting the characters of the drama, assigning to each his part, to one the attack, to another the cry of onset; or if it be thought that, by a loud and empty vaunt of anticipated victory, any laurels are to be won here; if it be imagined, especially, that any, or all of these things will shake any purpose of mine, I can tell the honorable member, once for all, that he is greatly mistaken, and that he is dealing with one of whose temper and character he has yet much to learn. Sir, I shall not allow myself, on this occasion, I hope on no occasion, to be betrayed into any loss of temper; but if provoked, as I trust I never shall be, into crimination and recrimination, the honorable member may perhaps find that, in that contest, there will be blows to take as well as blows to give; that others can state comparisons as significant, as least, as his own, and that his impunity may possibly demand of him whatever powers of taunt and sarcasm he may possess. I commend him to a prudent husbandry of his resources.

But, sir, the coalition! The coalition! Ay, "the murdered coalition!" The gentleman asks, if I were led or frighted into

this debate by the specter of the coalition. "Was it the ghost of the murdered coalition," he exclaims, "which haunted the member from Massachusetts; and which, like the ghost of Banquo, would never down?" "The murdered coalition!" Sir, this charge of a coalition, in reference to the late administration, is not original with the honorable member. It did not spring up in the senate. Whether as a fact, as an argument, or as an embellishment, it is all borrowed. He adopts it, indeed, from a very low origin, and a still lower present condition. It is one of the thousand calumnies with which the press teemed, during an excited political canvass. It was a charge, of which there was not only no proof or probability, but which was in itself wholly impossible to be true. No man of common information ever believed a syllable of it. Yet it was of that class of falsehoods, which, by continued repetition, through all the organs of detraction and abuse, are capable of misleading those who are already far misled, and of further fanning passion already kindling into flame. Doubtless it served in its day, and in greater or less degree, the end designed by it. Having done that, it has sunk into the general mass of stale and loathed calumnies. It is the very cast-off slough of a polluted and shameless press. Incapable of further mischief, it lies in the sewer, lifeless and despised. It is not now, sir, in the power of the honorable member to give it dignity and decency, by attempting to elevate it, and to introduce it into the senate. He cannot change it from what it is, an object of general disgust and scorn. On the contrary, the contact, if he choose to touch it, is more likely to drag him down, down, to the place where it lies itself.

But, sir, the honorable member was not, for other reasons, entirely happy in his allusion to the story of Banquo's murder and Banquo's ghost. It was not, I think, the friends, but the enemies of the murdered Banquo, at whose bidding his spirit would not *down*. The honorable gentleman is fresh in his reading of the English classics, and can put me right if I am wrong;

but, according to my poor recollection, it was at those who had begun with caresses and ended with foul and treacherous murder that the gory locks were shaken. The ghost of Banquo, like that of Hamlet, was an honest ghost. It disturbed no innocent man. It knew where its appearance would strike terror, and who would cry out, A ghost! It made itself visible in the right quarter, and compelled the guilty and the conscience-smitten, and none others, to start, with,

> "Pr'y thee, see there! behold!—look! lo
> If I stand here, I saw him!"

Their eyeballs were scared (was it not so, sir?) who had thought to shield themselves by concealing their own hand, and laying the imputation of the crime on a low and hireling agency in wickedness; who had vainly attempted to stifle the workings of their own coward consciences by ejaculating through white lips and chattering teeth, "Thou canst not say I did it!" I have misread the great poet if those who had no way partaken in the deed of the death, either found that they were, or *feared that they should be*, pushed from their stools by the ghost of the slain, or exclaimed to a specter created by their own fears and their own remorse, "Avaunt! and quit our sight!"

There is another particular, sir, in which the honorable member's quick perception of resemblances might, I should think, have seen something in the story of Banquo, making it not altogether a subject of the most pleasant contemplation. Those who murdered Banquo, what did they win by it? Substantial good? Permanent power? Or disappointment, rather, and sore mortification; dust and ashes, the common fate of vaulting ambition overleaping itself? Did not even-handed justice ere long commend the poisoned chalice to their own lips? Did they not soon find that for another they had "filed their mind?" that their ambition, though apparently for the mo-

ment successful, had but put a barren scepter in their grasp? Ay, sir,

> "a barren scepter in their gripe
> *Thence to be wrenched by an unlineal hand,*
> *No son of theirs succeeding.*"

Sir, I need pursue the allusion no farther. I leave the honorable gentleman to run it out at his leisure, and to derive from it all the gratification it is calculated to administer. If he finds himself pleased with the associations, and prepared to be quite satisfied, though the parallel should be entirely completed, I had almost said, I am satisfied also; but that I shall think of Yes, sir, I will think of that.

In the course of my observations the other day, Mr. President, I paid a passing tribute of respect to a very worthy man, Mr. Dane, of Massachusetts. It so happened that he drew the ordinance of 1787, for the government of the Northwestern Territory. A man of so much ability, and so little pretense; of so great a capacity to do good, and so unmixed a disposition to do it for its own sake; a gentleman who had acted an important part, forty years ago, in a measure the influence of which is still deeply felt in the very matter which was the subject of debate, might, I thought, receive from me a commendatory recognition. But the honorable member was inclined to be facetious on the subject. He was rather disposed to make it matter of ridicule, that I had introduced into the debate the name of one Nathan Dane, of whom he assures us he had never before heard. Sir, if the honorable member had never before heard of Mr. Dane, I am sorry for it. It shows him less acquainted with the public men of the country than I had supposed. Let me tell him, however, that a sneer from him at the mention of the name of Mr. Dane is in bad taste. It may well be a high mark of ambition, sir, either with the honorable gentleman or myself, to accomplish as much to make our names known to advantage, and remembered with gratitude,

as Mr. Dane has accomplished. But the truth is, sir, I suspect, that Mr. Dane lives a little too far north. He is of Massachusetts, and too near the north star to be reached by the honorable gentleman's telescope. If his sphere had happened to range south of Mason and Dixon's line, he might, probably, have come within the scope of his vision.

I spoke, sir, of the ordinance of 1787, which prohibited slavery, in all future times, northwest of the Ohio, as a measure of great wisdom and foresight, and one which had been attended with highly beneficial and permanent consequences. I supposed that, on this point, no two gentlemen in the senate could entertain different opinions. But the simple expression of this sentiment has led the gentleman, not only into a labored defense of slavery, in the abstract, and on principle, but also into a warm accusation against me, as having attacked the system of domestic slavery now existing in the southern states. For all this, there was not the slightest foundation, in anything said or intimated by me. I did not utter a single word which any ingenuity could torture into an attack on the slavery of the south. I said, only, that it was highly wise and useful, in legislating for the northwestern country while it was yet a wilderness, to prohibit the introduction of slaves; and added, that I presumed there was, in the neighboring state of Kentucky, no reflecting and intelligent gentleman who would doubt that, if the same prohibition had been extended, at the same early period, over that commonwealth, her strength and population would, at this day, have been far greater than they are. If these opinions be thought doubtful, they are nevertheless, I trust, neither extraordinary nor disrespectful. They attack nobody and menace nobody. And yet, sir, the gentleman's optics have discovered, even in the mere expression of this sentiment, what he calls the very spirit of the Missouri question! He represents me as making an onset on the whole south, and

manifesting a spirit which would interfere with, and disturb, their domestic condition!

Sir, this injustice no otherwise surprises me, than as it is committed here, and committed without the slightest pretense of ground for it. I say it only surprises me as being done here; for I know full well, that it is, and has been, the settled policy of some persons in the south, for years, to represent the people of the north as disposed to interfere with them in their own exclusive and peculiar concerns. This is a delicate and sensitive point in southern feeling; and of late years it has always been touched, and generally with effect, whenever the object has been to unite the whole south against northern men or northern measures. This feeling, always carefully kept alive, and maintained at too intense a heat to admit discrimination or reflection, is a lever of great power in our political machine. It moves vast bodies, and gives to them one and the same direction. But it is without any adequate cause, and the suspicion which exists wholly groundless. There is not, and never has been, a disposition in the north to interfere with these interests of the south. Such interference has never been supposed to be within the power of government; nor has it been in any way attempted. The slavery of the south has always been regarded as a matter of domestic policy, left with the states themselves, and with which the federal government had nothing to do. Certainly, sir, I am, and ever have been, of that opinion. The gentleman, indeed, argues that slavery, in the abstract, is no evil. Most assuredly I need not say I say I differ with him, altogether and most widely, on that point. I regard domestic slavery as one of the greatest of evils, both moral and political. But though it be a malady, and whether it be curable, and if so, by what means; or, on the other hand, whether it be the *vulnus immedicabile* of the social system, I leave it to those whose right and duty it is to inquire and to decide. And this I believe, sir, is, and uniformly has been, the

sentiment of the north. Let us look a little at the history of this matter.

When the present constitution was submitted for the ratification of the people, there were those who imagined that the powers of the government which it proposed to establish might, perhaps, in some possible mode, be exerted in measures tending to the abolition of slavery. This suggestion would of course attract much attention in the southern conventions. In that of Virginia, Governor Randolph said:

"I hope there is none here, who, considering the subject in the calm light of philosophy, will make an objection dishonorable to Virginia; that, at the moment they are securing the rights of their citizens, an objection is started, that there is a spark of hope that those unfortunate men now held in bondage may, by the operation of the general government, be made free."

At the very first congress, petitions on the subject were presented, if I mistake not, from different states. The Pennsylvania society for promoting the abolition of slavery took a lead, and laid before congress a memorial, praying congress to promote the abolition by such powers as it possessed. This memorial was referred, in the house of representatives, to a select committee, consisting of Mr. Foster, of New Hampshire, Mr. Gerry, of Massachusetts, Mr. Huntington, of Connecticut, Mr. Lawrence, of New York, Mr. Sinnickson, of New Jersey, Mr. Hartly, of Pennsylvania, and Mr. Parker, of Virginia; all of them, sir, as you will observe, northern men but the last. This committee made a report, which was committed to a committee of the whole house, and there considered and discussed on several days; and being amended, although without material alteration, it was made to express three distinct propositions, on the subject of slavery and the slave-trade. First, in the words of the constitution, that congress could not, prior to the year 1808, prohibit the migration or importation of such persons

as any of the states then existing should think proper to admit. Second, that congress had authority to restrain the citizens of the United States from carrying on the African slave-trade, for the purpose of supplying foreign countries. On this proposition, our early laws against those who engage in that traffic are founded. The third proposition, and that which bears on the present question, was expressed in the following terms:

"*Resolved*, That congress have no authority to interfere in the emancipation of slaves, or in the treatment of them in any of the states; it remaining with the several states alone to provide rules and regulations therein which humanity and true policy may require."

This resolution received the sanction of the house of representatives so early as March, 1790. And now, sir, the honorable member will allow me to remind him, that not only were the select committee who reported the resolution, with a single exception, all northern men, but also that, of the members then composing the house of representatives, a large majority, I believe nearly two-thirds, were northern men also.

The house agreed to insert these resolutions in its journal; and from that day to this it has never been maintained or contended that congress had any authority to regulate or interfere with the condition of slaves in the several states. No northern gentleman, to my knowledge, has moved any such question in either house of congress.

The fears of the south, whatever fears they might have entertained, were allayed and quieted by this early decision; and so remained till they were excited afresh, without cause, but for collateral and indirect purposes. When it became necessary, or was thought so, by some political persons, to find an unvarying ground for the exclusion of northern men from confidence and from lead in the affairs of the republic, then, and not till

then, the cry was raised, and the feeling industriously excited, that the influence of northern men in the public counsels would endanger the relation of master and slave. For myself, I claim no other merit than that this gross and enormous injustice toward the whole north has not wrought upon me to change my opinions or my political conduct. I hope I am above violating my principles, even under the smart of injury and false imputations. Unjust suspicions and undeserved reproach, whatever pain I may experience from them, will not induce me, I trust, nevertheless, to overstep the limits of constitutional duty, or to encroach on the rights of others. The domestic slavery of the south I leave where I find it—in the hands of their own governments. It is their affair, not mine. Nor do I complain of the peculiar effect which the magnitude of that population has had in the distribution of power under this federal government. We know, sir, that the represenatation of the states in the other house is not equal. We know that great advantage in that respect is enjoyed by the slave-holding states; and we know, too, that the intended equivalent for that advantage, that is to say, the imposition of direct taxes in the same ratio, has become merely nominal, the habit of the government being almost invariably to collect its revenue from other sources and in other modes. Nevertheless, I do not complain; nor would I countenance any movement to alter this arrangement of representation. It is the original bargain, the compact; let it stand; let the advantage of it be fully enjoyed. The Union itself is too full of benefit to be hazarded in propositions for changing its original basis. I go for the constitution as it is, and for the Union as it is. But I am resolved not to submit in silence to accusations, either against myself individually or against the north, wholly unfounded and unjust; accusations which impute to us a disposition to evade the constitutional compact, and to extend the power of the government over the internal laws and domestic condition of the states. All such

accusations, wherever and whenever made, all insinuations of the existence of any such purposes, I know and feel to be groundless and injurious. And we must confide in southern gentlemen themselves; we must trust to those whose integrity of heart and magnanimity of feeling will lead them to a desire to maintain and disseminate truth, and who possess the means of its diffusion with the southern public; we must leave it to them to disabuse that public of its prejudices. But in the mean time, for my own part, I shall continue to act justly, whether those toward whom justice is exercised receive it with candor or with contumely.

Having had occasion to recur to the ordinance of 1787, in order to defend myself against the inferences which the honorable member has chosen to draw from my former observations on that subject, I am not willing now entirely to take leave of it without another remark. It need hardly be said, that that paper expresses just sentiments on the great subject of civil and religious liberty. Such sentiments were common, and abound in all our state papers of that day. But this ordinance did that which was not so common, and which is not even now universal; that is, it set forth and declared as a high and binding duty of government itself to encourage schools and advance the means of education, on the plain reason that religion, morality, and knowledge are necessary to good government, and to the happiness of mankind. One observation further. The important provision incorporated into the constitution of the United States, and several of those of the states, and recently, as we have seen, adopted into the reformed constitution of Virginia, restraining legislative power in questions of private right, and from impairing the obligation of contracts, is first introduced and established, as far as I am informed, as matter of express written constitutional law, in this ordinance of 1787. And I must add, also, in regard to the author of the ordinance, who has not had the happiness to attract the gentleman's no-

tice heretofore, nor to avoid his sarcasm now, that he was chairman of that select committee of the old congress, whose report first expressed the strong sense of that body, that the old confederation was not adequate to the exigencies of the country, and recommending to the states to send delegates to the convention which formed the present constitution.

An attempt has been made to transfer from the north to the south the honor of this exclusion of slavery from the Northwestern Territory. The journal, without argument or comment, refutes such attempt. The cession by Virginia was made March, 1784. On the 19th of April following, a committee, consisting of Messrs. Jefferson, Chase, and Howell, reported a plan for a temporary government of the territory, in which was this article: "That, after the year 1800, there shall be neither slavery nor involuntary servitude in any of the said States, otherwise than in punishment of crimes, whereof the party shall have been convicted." Mr. Spaight, of North Carolina, moved to strike out this paragraph. The question was put, according to the form then practised, "Shall these words stand as a part of the plan?" &c. New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania, seven States, voted in the affirmative; Maryland, Virginia, and South Carolina, in the negative. North Carolina was divided. As the consent of nine states was necessary, the words could not stand, and were struck out accordingly. Mr. Jefferson voted for the clause, but was overruled by his colleagues.

In March of the next year (1785), Mr. King, of Massachusetts, seconded by Mr. Ellery, of Rhode Island, proposed the formerly rejected article, with this addition: "And that this regulation shall be an article of compact, and remain a fundamental principle of the constitution between the thirteen original states, and each of the states described in the resolve," &c. On this clause, which provided the adequate and thorough security, the eight northern states at that time voted affirmatively, and

the four southern states negatively. The votes of nine states were not yet obtained, and thus the provision was again rejected by the southern states. The perseverance of the north held out, and two years afterward the object was attained. It is no derogation from the credit, whatever that may be, of drawing the ordinance, that its principles had before been prepared and discussed, in the form of resolutions. If one should reason in that way, what would become of the distinguished honor of the author of the declaration of independence? There is not a sentiment in that paper which had not been voted and resolved in the assemblies, and other popular bodies in the country, over and over again.

But the honorable member has now found out that this gentleman, Mr. Dane, was a member of the Hartford convention. However uninformed the honorable member may be of characters and occurrences at the north, it would seem that he has at his elbow, on this occasion, some high-minded and lofty spirit, some magnanimous and true-hearted monitor, possessing the means of local knowledge, and ready to supply the honorable member with everything, down even to forgotten and moth-eaten two-penny pamphlets, which may be used to the disadvantage of his own country. But as to the Hartford convention, sir, allow me to say, that the proceedings of that body seem now to be less read and studied in New England than farther south. They appear to be looked to, not in New England, but elsewhere, for the purpose of seeing how far they may serve as a precedent. But they will not answer the purpose, they are quite too tame. The latitude in which they originated was too cold. Other conventions, of more recent existence, have gone a whole bar's length beyond it. The learned doctors of Colleton and Abbeville have pushed their commentaries on the Hartford collect so far, that the original text-writers are thrown entirely into the shade. I have nothing to do, sir, with the Hartford convention. Its journal, which the gentleman has

quoted, I never read. So far as the honorable member may discover in its proceedings a spirit in any degree resembling that which was avowed and justified in those other conventions to which I have alluded, or so far as those proceedings can be shown to be disloyal to the constitution, or tending to disunion, so far I shall be as ready as any one to bestow on them reprehension and censure.

Having dwelt long on this convention, and other occurrences of that day, in the hope, probably, (which will not be gratified,) that I should leave the course of this debate to follow him at length in those excursions, the honorable member returned, and attempted another object. He referred to a speech of mine in the other house, the same which I had occasion to allude to myself, the other day; and has quoted a passage or two from it, with a bold, though uneasy and laboring, air of confidence, as if he had detected in me an inconsistency. Judging from the gentleman's manner, a stranger to the course of the debate and to the point in discussion would have imagined, from so triumphant a tone, that the honorable member was about to overwhelm me with a manifest contradiction. Any one who heard him, and who had not heard what I had, in fact, previously said, must have thought me routed and discomfited, as the gentleman had promised. Sir, a breath blows all this triumph away. There is not the slightest difference in the sentiments of my remarks on the two occasions. What I said here on Wednesday is in exact accordance with the opinion expressed by me in the other house in 1825. Though the gentleman had the metaphysics of Hudibras, though he were able

> "to sever and divide
> A hair 'twixt north and northwest side,"

he yet could not insert his metaphysical scissors between the fair reading of my remarks in 1825, and what I said here last week. There is not only no contradiction, no difference, but, in

truth, too exact a similarity, both in thought and language, to be entirely in just taste. I had myself quoted the same speech; had recurred to it, and spoke with it open before me; and much of what I said was little more than a repetition from it. In order to make finishing work with this alleged contradiction, permit me to recur to the origin of this debate, and review its course. This seems expedient, and may be done as well now as at any time.

Well, then, its history is this. The honorable member from Connecticut moved a resolution, which constitutes the first branch of that which is now before us; that is to say, a resolution, instructing the committee on public lands to inquire into the expediency of limiting, for a certain period, the sales of the public lands, to such as have heretofore been offered for sale; and whether sundry offices connected with the sales of the lands might not be abolished without detriment to the public service. In the progress of the discussion which arose on this resolution, an honorable member from New Hampshire moved to amend the resolution, so as entirely to reverse its object; that is, to strike it all out, and insert a direction to the committee to inquire into the expediency of adopting measures to hasten the sales, and extend more rapidly the surveys, of the lands.

The honorable member from Maine, (Mr. Sprague) suggested that both those propositions might well enough go for consideration to the committee; and in this state of the question, the member from South Carolina addressed the senate in his first speech. He rose, he said, to give us his own free thoughts on the public lands. I saw him rise with pleasure, and listened with expectation, though before he concluded I was filled with surprise. Certainly, I was never more surprised, than to find him following up, to the extent he did, the sentiments and opinions which the gentleman from Missouri had put forth, and which it is known he has long entertained.

I need not repeat at large the general topics of the honorable

gentleman's speech. When he said yesterday that he did not attack the eastern states, he certainly must have forgotten, not only particular remarks, but the whole drift and tenor of his speech; unless he means by not attacking, that he did not commence hostilities, but that another had preceded him in the attack. He, in the first place, disapproved of the whole course of the government, for forty years, in regard to its disposition of the public land; and then, turning northward and eastward, and fancying he had found a cause for alleged narrowness and niggardliness in the "accursed policy" of the tariff, to which he represented the people of New England as wedded, he went on for a full hour with remarks, the whole scope of which was to exhibit the results of this policy, in feelings and in measures unfavorable to the west. I thought his opinions unfounded and erroneous, as to the general course of the government, and ventured to reply to them.

The gentleman had remarked on the analogy of other cases, and quoted the conduct of European governments towards their own subjects settling on this continent, as in point, to show that we had been harsh and rigid in selling, when we should have given the public lands to settlers without price. I thought the honorable member had suffered his judgment to be betrayed by a false analogy; that he was struck with an appearance of resemblance where there was no real similitude. I think so still. The first settlers of North America were enterprising spirits, engaged in private adventure, or fleeing from tyranny at home. When arrived here, they were forgotten by the mother country, or remembered only to be oppressed. Carried away again by the appearance of analogy, or struck with the eloquence of the passage, the honorable member yesterday observed, that the conduct of government toward the western emigrants, or my representation of it, brought to his mind a celebrated speech in the British parliament. It was, sir, the speech of Colonel Barre. On the question of the stamp act, or tea tax, I forget

which, Colonel Barre had heard a member on the treasury bench argue, that the people of the United States, being British colonies, planted by the maternal care, nourished by the indulgence, and protected by the arms of England, would not grudge their mite to relieve the mother country from the heavy burden under which she groaned. The language of Colonel Barre, in reply to this, was: "They planted by your care? Your oppression planted them America. They fled from your tyranny, and grew by your neglect of them. So soon as you began to care for them, you showed your care by sending persons to spy out their liberties, misrepresent their character, prey upon them, and eat out their substance."

And how does the honorable gentleman mean to maintain, that language like this is applicable to the conduct of the government of the United States toward the western emigrants, or to any representation given by me of that conduct? Were the settlers in the west driven thither by our oppression? Have they flourished only by our neglect of them? Has the government done nothing but to prey upon them, and eat out their substance? Sir, this fervid eloquence of the British speaker, just when and where it was uttered, and fit to remain an exercise for the schools, is not a little out of place, when it is brought thence to be applied here, to the conduct of our own country toward her own citizens. From America to England, it may be true; from Americans to their own government, it would be strange language. Let us leave it to be recited and declaimed by our boys against a foreign nation; not introduce it here, to recite and declaim ourselves against our own.

But I come to the point of the alleged contradiction. In my remarks on Wednesday, I contended that we could not give away gratuitously all the public lands; that we held them in trust; that the government had solemnly pledged itself to dispose of them as a common fund for the common benefit, and to sell and settle them as its discretion should dictate. Now,

sir, what contradiction does the gentleman find to this sentiment in the speech of 1825? He quotes me as having then said, that we ought not to hug these lands as a very great treasure. Very well, sir, supposing me to be accurately reported in that expression, what is the contradiction? I have not now said that we should hug these lands as a favorite source of pecuniary income. No such thing. It is not my view. What I have said, and what I do say, is, that they are a common fund, to be disposed of for the common benefit, to be sold at low prices for the accommodation of settlers, keeping the object of settling the lands as much in view as that of raising money from them. This I say now, and this I have always said. Is this hugging them as a favorite treasure? Is there no difference between hugging and hoarding this fund, on the one hand, as a great treasure, and, on the other, of disposing of it at low prices, placing the proceeds in the general treasury of the Union? My opinion is, that as much is to be made of the land as fairly and reasonably may be, selling it all the while at such rates as to give the fullest effect to settlement. This is not giving it all away to the states, as the gentleman would propose; nor is it hugging the fund closely and tenaciously, as a favorite treasure; but it is, in my judgment, a just and wise policy, perfectly according with all the various duties which rest on government. So much for my contradiction. And what is it? Where is the ground of the gentleman's triumph? What inconsistency in word or doctrine has he been able to detect? Sir, if this be a sample of that discomfiture with which the honorable gentleman threatened me, commend me to the word *discomfiture* for the rest of my life.

But, after all, this is not the point of the debate; and I must now bring the gentleman back to what is the point.

The real question between me and him is, Has the doctrine been advanced at the south or the east, that the population of the west should be retarded, or at least need not be hastened,

on account of its effect to drain off the people from the Atlantic states? Is this doctrine, as has been alleged, of eastern origin? That is the question. Has the gentleman found anything by which he can make good his accusation? I submit to the senate, that he has entirely failed; and, as far as this debate has shown, the only person who has advanced such sentiments is a gentleman from South Carolina, and a friend to the honorable member himself. The honorable gentleman has given no answer to this; there is none which can be given. The simple fact, while it requires no comment to enforce it, defies all argument to refute it. I could refer to the speeches of another southern gentleman, in years before, of the same general character, and to the same effect, as that which has been quoted; but I will not consume the time of the senate by the reading of them.

So then, sir, New England is guiltless of the policy of retarding western population, and of all envy and jealousy of the growth of the new states. Whatever there may be of that policy in the country, no part of it is hers. If it has a local habitation, the honorable member has probably seen by this time where to look for it; and if it now has received a name, he has himself christened it.

We approach, at length, sir, to a more important part of the honorable gentleman's observations. Since it does not accord with my views of justice and policy to give away the public lands altogether, as mere matter of gratuity, I am asked by the honorable gentleman on what ground it is that I consent to vote them away in particular instances. How, he inquires, do I reconcile with these professed sentiments, my support of measures appropriating portions of the lands to particular roads, particular canals, particular rivers, and particular institutions of education in the west? This leads, sir, to the real and wide difference in political opinion between the honorable gentleman and myself. On my part, I look upon all these objects as con-

nected with the common good, fairly embraced in its object and its terms; he, on the contrary, deems them all, if good at all, only local good. This is our difference. The interrogatory which he proceeded to put, at once explains this difference. "What interest," asks he, "has South Carolina in a canal in Ohio?" Sir, this very question is full of significance. It develops the gentleman's whole political system; and its answer expounds mine. Here we differ. I look upon a road over the Alleghanies, a canal round the falls of the Ohio, or a canal or railway from the Atlantic to the western waters, as being an object large and extensive enough to be fairly said to be for the common benefit. The gentleman thinks otherwise, and this is the key to his construction of the powers of the government. He may well ask what interest has South Carolina in a canal in Ohio. On his system, it is true, she has no interest. On that system, Ohio and Carolina are different governments, and different countries; connected here, it is true, by some slight and ill-defined bond of union, but in all main respects separate and diverse. On that system, Carolina has no more interest in a canal in Ohio than in Mexico. The gentleman, therefore, only follows out his own principles; he does no more than arrive at the natural conclusions of his own doctrines; he only announces the true results of that creed which he has adopted himself, and would persuade others to adopt, when he thus declares that South Carolina has no interest in a public work in Ohio.

Sir, we narrow-minded people of New England do not reason thus. Our *notion* of things is entirely different. We look upon the states, not as separated, but as united. We love to dwell on that union, and on the mutual happiness which it has so much promoted, and the common renown which it has so greatly contributed to acquire. In our contemplation, Carolina and Ohio are parts of the same country; states, united under the same general government, having interests, common, associated, intermingled. In whatever is within the proper sphere of the

constitutional power of this government, we look upon the states as one. We do not impose geographical limits to our patriotic feeling or regard; we do not follow rivers and mountains, and lines of latitude, to find boundaries, beyond which public improvements do not benefit us. We who come here, as agents and representatives of these narrow-minded and selfish men of New England, consider ourselves as bound to regard with an equal eye the good of the whole, in whatever is within our power of legislation. Sir, if a railroad or canal, beginning in South Carolina and ending in South Carolina, appeared to me to be of national importance and national magnitude, believing, as I do, that the power of government extends to the encouragement of works of that description, if I were to stand up here and ask, What interest has Massachusetts in a railroad in South Carolina? I should not be willing to face my constituents. These same narrow-minded men would tell me, that they had sent me to act for the whole country, and that one who possessed too little comprehension, either of intellect or feeling, one who was not large enough both in mind and in heart, to embrace the whole, was not fit to be entrusted with the interest of any part.

Sir, I do not desire to enlarge the powers of the government by unjustifiable construction, nor to exercise any not within a fair interpretation. But when it is believed that a power does exist, then it is, in my judgment, to be exercised for the general benefit of the whole. So far as respects the exercise of such a power, the states are one. It was the very object of the constitution to create unity of interests to the extent of the powers of the general government. In war and peace we are one; in commerce, one; because the authority of the general government reaches to war and peace, and to the regulation of commerce. I have never seen any more difficulty in erecting lighthouses on the lakes, than on the ocean; in improving the harbors of inland seas, than if they were within the ebb and

flow of the tide; or in removing obstructions in the vast streams of the west, more than in any work to facilitate commerce on the Atlantic coast. If there be any power for one, there is power also for the other; and they are all and equally for the common good of the country.

There are other objects, apparently more local, or the benefit of which is less general, toward which, nevertheless, I have concurred with others, to give aid by donations of land. It is proposed to construct a road, in or through one of the new states, in which this government possesses large quantities of land. Have the United States no right, or, as a great and untaxed proprietor, are they under no obligation to contribute to an object thus calculated to promote the common good of all the proprietors, themselves included? And even with respect to education, which is the extreme case, let the question be considered. In the first place, as we have seen, it was made matter of compact with these states, that they should do their part to promote education. In the next place, our whole system of land laws proceeds on the idea that education is for the common good; because, in every division, a certain portion is uniformly reserved and appropriated for the use of schools. And, finally, have not these new states singularly strong claims, founded on the ground already stated, that the government is a great untaxed proprietor, in the ownership of the soil? It is a consideration of great importance, that probably there is in no part of the country, or of the world, so great call for the means of education, as in those new states, owing to the vast numbers of persons within those ages in which education and instruction are usually received, if received at all. This is the natural consequence of recency of settlement and rapid increase. The census of these states shows how great a proportion of the whole population occupies the classes between infancy and manhood. These are the wide fields, and here is the deep and quick soil for the seeds of knowledge and virtue; and

this is the favored season, the very spring-time for sowing them. Let them be disseminated without stint. Let them be scattered, broadcast, with a bountiful hand. Whatever the government can fairly do toward these objects, in my opinion, ought to be done.

These, sir, are the grounds, succinctly stated, on which my votes for grants of lands for particular objects rest; while I maintain, at the same time, that it is all a common fund, for the common benefit. And reasons like these, I presume, have influenced the votes of other gentlemen from New England. Those who have a different view of the powers of the government, of course, come to different conclusions, on these, as on other questions. I observed, when speaking on this subject before, that if we looked to any measure, whether for a road, a canal, or anything else, intended for the improvement of the west, it would be found that, if the New England *ayes* were struck out of the list of votes, the southern *noes* would always have rejected the measure. The truth of this has not been denied, and cannot be denied. In stating this, I thought it just to ascribe it to the constitutional scruples of the south, rather than to any other less favorable or less charitable cause. But no sooner had I done this, than the honorable gentleman asks if I reproach him and his friends with their constitutional scruples. Sir, I reproach nobody. I stated a fact, and gave the most respectful reason for it that occurred to me. The gentleman cannot deny the fact; he may, if he choose, disclaim the reason. It is not long since I had occasion, in presenting a petition from his own state, to account for its being intrusted to my hands, by saying that the constitutional opinions of the gentleman and his worthy colleague prevented them from supporting it. Sir, did I state this as matter of reproach? Far from it. Did I attempt to find any other cause than an honest one for these scruples? Sir, I did not. It did not become me to doubt or to insinuate that the gentleman had either changed

his sentiments, or that he had made up a set of constitutional opinions accommodated to any particular combination of political occurrences. Had I done so, I should have felt, that, while I was entitled to little credit in thus questioning other people's motives, I justified the whole world in suspecting my own. But how has the gentleman returned this respect for others' opinions? His own candor and justice, how have they been exhibited toward the motives of others, while he has been at so much pains to maintain, what nobody has disputed, the purity of his own? Why, sir, he has asked *when*, and *how*, and *why* New England votes were found going for measures favorable to the west. He has demanded to be informed whether all this did not begin in 1825, and while the election of president was still pending.

Sir, to these questions retort would be justified; and it is both cogent and at hand. Nevertheless, I will answer the inquiry, not by retort, but by facts. I will tell the gentleman *when*, and *how*, and *why* New England has supported measures favorable to the west. I have already referred to the early history of the government, to the first acquisition of the lands, to the original laws for disposing of them, and for governing the territories where they lie; and have shown the influence of New England men and New England principles in all these leading measures. I should not be pardoned were I to go over that ground again. Coming to more recent times, and to measures of a less general character, I have endeavored to prove that everything of this kind, designed for western improvement, has depended on the votes of New England; all this is true beyond the power of contradiction. And now, sir, there are two measures to which I will refer, not so ancient as to belong to the early history of the public lands, and not so recent as to be on this side of the period when the gentleman charitably imagines a new direction may have been given to New England feeling and New England votes. These measures, and the New England votes in

support of them, may be taken as samples and specimens of all the rest.

In 1820 (observe Mr. President, in 1820), the people of the west besought congress for a reduction in the price of lands. In favor of that reduction, New England, with a delegation of forty members in the other house, gave thirty-three votes, and one only against it. The four southern states, with over fifty members, gave thirty-two votes for it, and seven against it. Again, in 1821 (observe again, sir, the time), the law passed for the relief of the purchasers of the public lands. This was a measure of vital importance to the west, and more especially to the southwest. It authorized the relinquishment of contracts for lands which had been entered into at high prices, and a reduction in other cases of not less than thirty-seven and a half per cent. on the purchase-money. Many millions of dollars, six or seven, I believe, at least, probably much more, were relinquished by this law. On this bill, New England, with her forty members, gave more affirmative votes than the four southern states, with their fifty-two or three members. These two are far the most important general measures respecting the public lands which have been adopted within the last twenty years. They took place in 1820 and 1821. That is the time *when*.

As to the manner *how*, the gentleman already sees that it was by voting in solid column for the required relief; and, lastly, as to the cause *why*, I tell the gentleman it was because the members from New England thought the measures just and salutary; because they entertained toward the west neither envy, hatred, nor malice; because they deemed it becoming them, as just and enlightened men, to meet the exigency which had arisen in the west with the appropriate measure of relief; because they felt it due to their own characters, and the characters of their New England predecessors in this government, to act toward the new states in the spirit of a liberal, patron-

izing, magnanimous policy. So much, sir, for the cause *why;* and I hope that by this time, sir, the honorable gentleman is satisfied; if not, I do not know *when*, or *how*, or *why* he ever will be.

Having recurred to these two important measures, in answer to the gentleman's inquiries, I must now beg permission to go back to a period yet something earlier, for the purpose of still further showing how much, or rather how little, reason there is for the gentleman's insinuation that political hopes or fears, or party associations, were the grounds of these New England votes. And after what has been said, I hope it may be forgiven me if I allude to some political opinions and votes of my own, of very little public importance certainly, but which, from the time at which they were given and expressed, may pass for good witnesses on this occasion.

This government, Mr. President, from its origin to the peace of 1815, had been too much engrossed with various other important concerns to be able to turn its thoughts inward, and look to the development of its vast internal resources. In the early part of President Washington's administration, it was fully occupied with completing its own organization, providing for the public debt, defending the frontiers, and maintaining domestic peace. Before the termination of that administration, the fires of the French revolution blazed forth, as from a new-opened volcano, and the whole breadth of the ocean did not secure us from its effects. The smoke and the cinders reached us, though not the burning lava. Difficult and agitating questions, embarrassing to government and dividing public opinion, sprung out of the new state of our foreign relations, and were succeeded by others, and yet again by others, equally embarrassing and equally exciting division and discord, through the long series of twenty years, till they finally issued in the war with England. Down to the close of that war, no distinct, marked, and deliberate attention had been given, or could have been

given, to the internal condition of the country, its capacities of improvement, or the constitutional power of the government in regard to objects connected with such improvement.

The peace, Mr. President, brought about an entirely new and a most interesting state of things; it opened to us other prospects and suggested other duties. We ourselves were changed, and the whole world was changed. The pacification of Europe, after June, 1815, assumed a firm and permanent aspect. The nations evidently manifested that they were disposed for peace. Some agitation of the waves might be expected, even after the storm had subsided, but the tendency was, strongly and rapidly, toward settled repose.

It so happened, sir, that I was at that time a member of congress, and, like others, naturally turned my attention to the contemplation of the newly altered condition of the country and of the world. It appeared plainly enough to me, as well as to wiser and more experienced men, that the policy of the government would naturally take a start in a new direction; because new directions would necessarily be given to the pursuits and occupations of the people. We had pushed our commerce far and fast, under the advantage of a neutral flag. But there were now no longer flags, either neutral or belligerent. The harvest of neutrality had been great, but we had gathered it all. With the peace of Europe, it was obvious there would spring up in her circle of nations a revived and invigorating spirit of trade, and a new activity in all the business and objects of civilized life. Hereafter, our commercial gains were to be earned only by success in a close and intense competition. Other nations would produce for themselves, and carry for themselves, and manufacture for themselves, to the full extent of their abilities. The crops of our plains would no longer sustain European armies, nor our ships longer supply those whom war had rendered unable to supply themselves. It was obvious, that, un-

der these circumstances, the country would begin to survey itself, and to estimate its own capacity of improvement.

And this improvement—how was it to be accomplished, and who was to accomplish it? We were ten or twelve millions of people, spread over almost half a world. We were more than twenty states, some stretching along the same seaboard, some along the same line of inland frontier, and others on opposite banks of the same vast rivers. Two considerations at once presented themselves, in looking at this state of things, with great force. One was, that that great branch of improvement which consisted in furnishing new facilities of intercourse necessarily ran into different states in every leading instance, and would benefit the citizens of all such states. No one state, therefore, in such cases, would assume the whole expense, nor was the coöperation of several states to be expected. Take the instance of the Delaware breakwater. It will cost several millions of money. Would Pennsylvania alone ever have constructed it? Certainly never, while this Union lasts, because it is not for her sole benefit. Would Pennsylvania, New Jersey, and Delaware have united to accomplish it at their joint expense? Certainly not, for the same reason. It could not be done, therefore, but by the general government. The same may be said of the large inland undertakings, except that, in them, government, instead of bearing the whole expense, coöperates with others who bear a part. The other consideration is, that the United States have the means. They enjoy the revenues derived from commerce, and the states have no abundant and easy sources of public income. The custom-houses fill the general treasury, while the states have scanty resources, except by resort to heavy direct taxes.

Under this view of things, I thought it necessary to settle, at least for myself, some definite notions with respect to the powers of the government in regard to internal affairs. It may not savor too much of self-commendation to remark, that, with this

object, I considered the constitution, its judicial construction, its cotemporaneous exposition, and the whole history of the legislation of congress under it; and I arrived at the conclusion, that government had power to accomplish sundry objects, or aid in their accomplishment, which are now commonly spoken of as INTERNAL IMPROVEMENTS. That conclusion, sir, may have been right, or it may have been wrong. I am not about to argue the grounds of it at large. I say only, that it was adopted and acted on even so early as in 1816. Yes, Mr. President, I made up my opinion, and determined on my intended course of political conduct, on these subjects, in the fourteenth congress, in 1816. And now, Mr. President, I have further to say, that I made up these opinions, and entered on this course of political conduct, *Teucro duce.** Yes, sir, I pursued in all this a South Carolina track on the doctrines of internal improvement. South Carolina, as she was then represented in the other house, set forth in 1816 under a fresh and leading breeze, and I was among the followers. But if my leader sees new lights and turns a sharp corner, unless I see new lights also, I keep straight on in the same path. I repeat, that leading gentlemen from South Carolina were first and foremost in behalf of the doctrines of internal improvements, when those doctrines came first to be considered and acted upon in congress. The debate on the bank question, on the tariff of 1816, and on the direct tax, will show who was who, and what was what, at that time.

The tariff of 1816, (one of the plain cases of oppression and usurpation, from which, if the government does not recede, individual states may justly secede from the government,) is, sir, in truth, a South Carolina tariff, supported by South Carolina votes. But for those votes it could not have passed in the form in which it did pass; whereas, if it had depended on Massachu-

* At the time when this speech was made, Mr. Calhoun was vice-president, and president of the senate.

setts votes, it would have been lost. Does not the honorable gentleman well know all this? There are certainly those who do, full well, know it all. I do not say this to reproach South Carolina. I only state the fact; and I think it will appear to be true, that among the earliest and boldest advocates of the tariff, as a measure of protection, and on the express ground of protection, were leading gentlemen of South Carolina in congress. I did not then, and cannot now, understand their language in any other sense. While this tariff of 1816 was under discussion in the house of representatives, an honorable gentleman from Georgia, now of this house, (Mr. Forsyth,) moved to reduce the proposed duty on cotton. He failed, by four votes, South Carolina giving three votes (enough to have turned the scale) against his motion. The act, sir, then passed, and received on its passage the support of a majority of the representatives of South Carolina present and voting. This act is the first in the order of those now denounced as plain usurpations. We see it daily in the list, by the side of those of 1824 and 1828, as a case of manifest oppression, justifying disunion. I put it home to the honorable member from South Carolina, that his own state was not only "art and part" in this measure, but the *causa causans*. Without her aid, this seminal principle of mischief, this root of Upas, could not have been planted. I have already said, and it is true, that this act proceeded on the ground of protection. It interfered directly with existing interests of great value and amount. It cut up the Calcutta cotton trade by the roots, but it passed, nevertheless, and it passed on the principle of protecting manufactures, on the principle against free trade, on the principle opposed to that *which lets us alone*.

Such, Mr. President, were the opinions of important and leading gentlemen from South Carolina, on the subject of internal improvement, in 1816. I went out of Congress the next year, and, returning again in 1823, thought I found South Carolina

where I had left her. I really supposed that all things remained as they were, and that the South Carolina doctrine of internal improvements would be defended by the same eloquent voices, and the same strong arms, as formerly. In the lapse of these six years, it is true, political associations had assumed a new aspect and new divisions. A party had arisen in the south hostile to the doctrine of internal improvements, and had vigorously attacked that doctrine. Anti-consolidation was the flag under which this party fought; and its supporters inveighed against internal improvements, much after the manner in which the honorable gentleman has now inveighed against them, as part and parcel of the system of consolidation. Whether this party arose in South Carolina herself, or in her neighborhood, is more than I know. I think the latter. However that may have been, there were those found in South Carolina ready to make war upon it, and who did make intrepid war upon it. Names being regarded as things in such controversies, they bestowed on the anti-improvement gentlemen the appellation of radicals. Yes, sir, the appellation of radicals, as a term of distinction applicable and applied to those who denied the liberal doctrines of internal improvement, originated, according to the best of my recollection, somewhere between North Carolina and Georgia. Well, sir, these mischievous radicals were to be put down, and the strong arm of South Carolina was stretched out to put them down. About this time, sir, I returned to congress. The battle with the radicals had been fought, and our South Carolina champions of the doctrines of internal improvement had nobly maintained their ground, and were understood to have achieved a victory. We looked upon them as conquerors. They had driven back the enemy with discomfiture, a thing, by the way, sir, which is not always performed when it is promised. A gentleman to whom I have already referred in this debate, had come into congress, during my absence from it, from South Carolina, and had brought with him a high rep

utation for ability. He came from a school with which he had been acquainted, *et noscitur a sociis*. I hold in my hand, sir, a printed speech of this distinguished gentleman, (Mr. McDuffie,) "ON INTERNAL IMPROVEMENTS," delivered about the period to which I now refer, and printed with a few introductory remarks upon consolidation; in which, sir, I think he quite consolidated the arguments of his opponents, the radicals, if to *crush* be to consolidate. I give you a short but expressive quotation from these remarks. He is speaking of a pamphlet, then recently published, entitled "Consolidation;" and having alluded to the question of renewing the charter of the former bank of the United States, he says:

"Moreover, in the early history of parties, and when Mr. Crawford advocated a renewal of the old charter, it was considered a federal measure; which internal improvement *never was*, as this author erroneously states. This latter measure originated in the administration of Mr. Jefferson, with the appropriation for the Cumberland road; and was first proposed, *as a system*, by Mr. Calhoun, and carried through the house of representatives by a large majority of the republicans, including almost every one of the leading men who carried us through the late war."

So, then, internal improvement is not one of the federal heresies. One paragraph more, sir:

"The author in question, not content with denouncing as federalists, General Jackson, Mr. Adams, Mr. Calhoun, and the majority of the South Carolina delegation in congress, modestly extends the denunciation to Mr. Monroe, and the whole republican party. Here are his words: 'During the administration of Mr. Monroe much has passed which the republican party would be glad to approve if they could! But the principal feature, and that which has chiefly elicited these observations, is the renewal of the SYSTEM OF INTERNAL IMPROVEMENTS.' Now this measure was adopted by a vote of 115 to 86 of a republican congress, and sanctioned by a republican president. Who, then, is this author, who assumes the high prerogative of denouncing, in the name of the republican party, the republican

administration of the country? A denunciation including within its sweep *Calhoun, Lowndes and Cheves,* men who will be regarded as the brightest ornaments of South Carolina, and the strongest pillars of the republican party, as long as the late war shall be remembered, and talents and patriotism shall be regarded as the proper objects of the admiration and gratitude of a free people!"

Such are the opinions, sir, which were maintained by South Carolina gentlemen, in the house of representatives, on the subject of internal improvements, when I took my seat there as a member from Massachusetts in 1823. But this is not all. We had a bill before us, and passed it in that house, entitled, "An act to procure the necessary surveys, plans, and estimates upon the subject of roads and canals." It authorized the president to cause surveys and estimates to be made of the routes of such roads and canals as he might deem of national importance in a commercial or military point of view, or for the transportation of the mail, and appropriated thirty thousand dollars out of the treasury to defray the expense. This act, though preliminary in its nature, covered the whole ground. It took for granted the complete power of internal improvement, as far as any of its advocates had ever contended for it. Having passed the other house, the bill came up to the senate, and was here considered and debated in April, 1824. The honorable member from South Carolina was a member of the senate at that time. While the bill was under consideration here, a motion was made to add the following proviso: "*Provided.* That nothing herein contained shall be construed to affirm *or admit* a power in congress, on their own authority, to make roads or canals within any of the states of the Union." The yeas and nays were taken on this proviso, and the honorable member voted *in the negative.* The proviso failed.

A motion was then made to add this proviso, viz: "*Provided,* That the faith of the United States is hereby pledged,

that no money shall ever be expended for roads or canals, except it shall be among the several states, and in the same proportion as direct taxes are laid and assessed by the provisions of the constitution." The honorable member voted *against this proviso* also, and it failed. The bill was then put on its passage, and the honorable member voted *for it*, and it passed, and became a law.

Now, it strikes me, sir, that there is no maintaining these votes, but upon the power of internal improvement, in its broadest sense. In truth, these bills for surveys and estimates have always been considered as test questions; they show who is for and who against internal improvements. This law itself went the whole length, and assumed the full and complete power. The gentleman's votes sustained that power, in every form in which the various propositions to amend presented it. He went for the entire and unrestrained authority, without consulting the states, and without agreeing to any proportionate distribution. And now suffer me to remind you, Mr. President, that it is this very same power, thus sanctioned, in every form, by the gentleman's own opinion, that is so plain and manifest a usurpation, that the state of South Carolina is supposed to be justified in refusing submission to any laws carrying the power into effect. Truly, sir, is not this a little too hard? May we not crave some mercy, under favor and protection of the gentleman's own authority? Admitting that a road, or a canal, must be written down flat usurpation as was ever committed, may we find no mitigation in our respect for his place, and his vote, as one that knows the law?

The tariff, which South Carolina had an efficient hand in establishing, in 1816, and this asserted power of internal improvement, advanced by her in the same year, and, as we have seen, approved and sanctioned by her representatives in 1824, these two measures are the great grounds on which she is now thought

to be justified in breaking up the Union, if she sees fit to break it up!

I may now safely say, I think, that we have had the authority of leading and distinguished gentlemen from South Carolina in support of the doctrine of internal improvement. I repeat, that, up to 1824, I for one followed South Carolina; but when that star, in its ascension, veered off in an unexpected direction, I relied on its light no longer.

Here the vice-president said, "Does the chair understand the gentleman from Massachusetts to say that the person now occupying the chair of the senate has changed his opinions on the subject of internal improvements?"

From nothing ever said to me, sir, have I had reason to know of any change in the opinions of the person filling the chair of the senate. If such change has taken place, I regret it. I speak generally of the state of South Carolina. Individuals we know there are, who hold opinions favorable to the power. An application for its exercise, in behalf of a public work in South Carolina itself, is now pending, I believe, in the other house, presented by members from that state.

I have thus, sir, perhaps not without some tediousness of detail, shown, that if I am in error on the subject of internal improvement, how, and in what company, I fell into that error. If I am wrong, it is apparent who misled me.

I go to other remarks of the honorable member; and I have to complain of an entire misapprehension of what I said on the subject of the national debt, though I can hardly perceive how any one could misunderstand me. What I said was, not that I wished to put off the payment of the debt, but, on the contrary, that I had always voted for every measure for its reduction, as uniformly as the gentleman himself. He seems to claim the exclusive merit of a disposition to reduce the public charge. I do not allow it to him. As a debt, I was, I am for paying it.

because it is a charge on our finances, and on the industry of the country. But I observed that I thought I perceived a morbid fervor on that subject, an excessive anxiety to pay off the debt, not so much because it is a debt simply, as because, while it lasts, it furnishes one objection to disunion. It is a tie of common interest, while it continues. I did not impute such motives to the honorable member himself, but that there is such a feeling in existence I have not a particle of doubt. The most I said was, that if one effect of the debt was to strengthen our Union, that effect itself was not regretted by me, however much others might regret it. The gentleman has not seen how to reply to this, otherwise than by supposing me to have advanced the doctrine that a national debt is a national blessing. Others, I must hope, will find much less difficulty in understanding me. I distinctly and pointedly cautioned the honorable member not to understand me as expressing an opinion favorable to the continuance of the debt. I repeated this caution, and repeated it more than once; but it was thrown away.

On yet another point, I was still more unaccountably misunderstood. The gentleman had harangued against "consolidation." I told him, in reply, that there was one kind of consolidation to which I was attached, and that was the consolidation of our Union; that this was precisely that consolidation to which I feared others were not attached; that such consolidation was the very end of the constitution, the leading object, as they had informed us themselves, which its framers had kept in view. I turned to their communication, and read their very words, "the consolidation of the Union," and expressed my devotion to this sort of consolidation. I said, in terms, that I wished not in the slightest degree to augment the powers of this government; that my object was to preserve, not to enlarge; and that by consolidating the Union I understood no more than the strengthening of the Union, and perpetuating it. Having been thus explicit, having thus read from the printed

book the precise words which I adopted, as expressing my own sentiments, it passes comprehension how any man could understand me as contending for an extension of the powers of the government, or for consolidation in that odious sense in which it means an accumulation, in the federal government, of the powers properly belonging to the states.

I repeat, sir, that in adopting the sentiment of the framers of the constitution, I read their language audibly, and word for word; and I pointed out the distinction, just as fully as I have now done, between the consolidation of the Union and that other obnoxious consolidation which I disclaimed. And yet the honorable member misunderstood me. The gentleman had said that he wished for no fixed revenue—not a shilling. If by a word he could convert the capitol into gold, he would not do it. Why all this fear of revenue? Why, sir, because, as the gentleman told us, it tends to consolidation. Now this can mean neither more nor less than that a common revenue is a common interest, and that all common interests tend to hold the union of the states together. I confess I like that tendency; if the gentleman dislikes it, he is right in depreciating a shilling's fixed revenue. So much, sir, for consolidation.

As well as I recollect the course of his remarks, the honorable gentleman next recurred to the subject of the tariff. He did not doubt the word must be of unpleasant sound to me, and proceeded, with an effort neither new nor attended with new success, to involve me and my votes in inconsistency and contradiction. I am happy the honorable gentleman has furnished me an opportunity of a timely remark or two on that subject. I was glad he approached it, for it is a question I enter upon without fear from anybody. The strenuous toil of the gentleman has been to raise an inconsistency between my dissent to the tariff in 1824, and my vote in 1828. It is labor lost. He pays undeserved compliment to my speech in 1824; but this is to raise me high, that my fall, as he would have it,

in 1828, may be more signal. Sir, there was no fall at all. Between the ground I stood on in 1824 and that I took in 1828, there was not only no precipice, but no declivity. It was a change of position to meet new circumstances, but on the same level. A plain tale explains the whole matter. In 1816 I had not acquiesced in the tariff, then supported by South Carolina. To some parts of it, especially, I felt and expressed great repugnance. I held the same opinions in 1821, at the meeting in Faneuil Hall, to which the gentleman has alluded. I said then, and say now, that, as an original question, the authority of congress to exercise the revenue power, with direct reference to the protection of manufactures, is a questionable authority, far more questionable, in my judgment, than the power of internal improvements. I must confess, sir, that in one respect some impression has been made on my opinions lately. Mr. Madison's publication has put the power in a very strong light. He has placed it, I must acknowledge, upon grounds of construction and argument which seem impregnable. But even if the power were doubtful, on the face of the constitution itself, it had been assumed and asserted in the first revenue law ever passed under that same constitution; and on this ground, as a matter settled by cotemporaneous practice, I had refrained from expressing the opinion that the tariff laws transcended constitutional limits, as the gentleman supposes. What I did say at Faneuil Hall, as far as I now remember, was, that this was originally matter of doubtful construction. The gentleman himself, I suppose, thinks there is no doubt about it, and that the laws are plainly against the constitution. Mr. Madison's letters, already referred to, contain, in my judgment, by far the most able exposition extant of this part of the constitution. He has satisfied me, so far as the practice of the government has left it an open question.

With a great majority of the representatives of Massachusetts, I voted against the tariff of 1824. My reasons were then

given, and I will not now repeat them. But, notwithstanding our dissent, the great states of New York, Pennsylvania, Ohio, and Kentucky went for the bill, in almost unbroken column, and it passed. Congress and the president sanctioned it, and it became the law of the land. What, then, were we to do? Our only option was, either to fall in with this settled course of public policy, and accommodate ourselves to it as well as we could, or to embrace the South Carolina doctrine, and talk of nullifying the statute by state interference.

This last alternative did not suit our principles, and of course we adopted the former. In 1827, the subject came again before congress, on a proposition favorable to wool and woolens. We looked upon the system of protection as being fixed and settled. The law of 1824 remained. It had gone into full operation, and, in regard to some objects intended by it, perhaps most of them, had produced all its expected effects. No man proposed to repeal it; no man attempted to renew the general contest on its principle. But, owing to subsequent and unforeseen occurrences, the benefit intended by it to wool and woolen fabrics had not been realized. Events not known here when the law passed had taken place, which defeated its object in that particular respect. A measure was accordingly brought forward to meet this precise deficiency, to remedy this particular defect. It was limited to wool and woolens. Was ever anything more reasonable? If the policy of the tariff laws had become established in principle, as the permanent policy of the government, should they not be revised and amended and made equal, like other laws, as exigencies should arise, or justice require? Because we had doubted about adopting the system, were we to refuse to cure its manifest defects, after it become adopted, and when no one attempted its repeal? And this, sir, is the inconsistency so much bruited. I had voted against the tariff of 1824, but it passed; and in 1827 and 1828, I voted to amend it, in a point essential to the interests of my constitu-

ents. Where is the inconsistency? Could I do otherwise? Sir, does political consistency consist in always giving negative votes? Does it require of a public man to refuse to concur in amending laws, because they passed against his consent? Having voted against the tariff originally, does consistency demand that I should do all in my power to maintain an unequal tariff, burdensome to my own constituents in many respects, favorable in none? To consistency of that sort, I lay no claim. And there is another sort to which I lay as little, and that is, a kind of consistency by which persons feel themselves as much bound to oppose a proposition after it has become a law of the land as before.

The bill of 1827, limited, as I have said, to the single object in which the tariff of 1824 had manifestly failed in its effect, passed the house of representatives, but was lost here. We had then the act of 1828. I need not recur to the history of a measure so recent. Its enemies spiced it with whatsoever they thought would render it distasteful; its friends took it, drugged as it was. Vast amounts of property, many millions, had been invested in manufactures, under the inducements of the act of 1824. Events called loudly, as I thought, for further regulation to secure the degree of protection intended by that act. I was disposed to vote for such regulation, and desired nothing more; but certainly was not to be bantered out of my purpose by a threatened augmentation of duty on molasses, put into the bill for the avowed purpose of making it obnoxious. The vote may have been right or wrong, wise or unwise; but it is little less than absurd to allege against it an inconsistency with opposition to the former law.

Sir, as to the general subject of the tariff, I have little now to say. Another opportunity may be presented. I remarked the other day, that this policy did not begin with us in New England; and yet, sir, New England is charged with vehemence as being favorable, or charged with equal vehemence as being

unfavorable, to the tariff policy, just as best suits the time, place, and occasion for making some charge against her. The credulity of the public has been put to its extreme capacity of false impression relative to her conduct in this particular. Through all the south, during the late contest, it was New England policy and a New England administration that were afflicting the country with a tariff beyond all endurance; while on the other side of the Alleghanies even the act of 1828 itself, the very sublimated essence of oppression, according to southern opinions, was pronounced to be one of those blessings for which the west was indebted to the "generous south."

With large investments in manufacturing establishments, and many and various interests connected with and dependent on them, it is not to be expected that New England, any more than other portions of the country, will now consent to any measure destructive or highly dangerous. The duty of the government, at the present moment, would seem to be to preserve, not to destroy; to maintain the position which it has assumed; and, for one, I shall feel it an indispensable obligation to hold it steady, as far as in my power, to that degree of protection which it has undertaken to bestow. No more of the tariff.

Professing to be provoked by what he chose to consider a charge made by me against South Carolina, the honorable member, Mr. President, has taken up a new crusade against New England. Leaving altogether the subject of the public lands, in which his success, perhaps, had been neither distinguished nor satisfactory, and letting go, also, of the topic of the tariff, he sallied forth in a general assault on the opinions, politics, and parties of New England, as they have been exhibited in the last thirty years. This is natural. The "narrow policy" of the public lands had proved a legal settlement in South Carolina, and was not to be removed. The "accursed policy" of the tariff, also, had established the fact of its birth and parentage in the same state. No wonder, therefore, the gentleman wished to

carry the war, as he expressed it, into the enemy's country. Prudently willing to quit these subjects, he was, doubtless, desirous of fastening on others, that which could not be transferred south of Mason and Dixon's line. The politics of New England became his theme; and it was in this part of his speech, I think, that he menaced me with sore discomfiture. Discomfiture! Why, sir, when he attacks anything which I maintain, and overthrows it, when he turns the right or left of any position which I take up, when he drives me from any ground I choose to occupy, he may then talk of discomfiture, but not till that distant day. What has he done? Has he maintained his own charges? Has he proved what he alleged? Has he sustained himself in his attack on the government, and on the history of the north, in the matter of the public lands? Has he disproved a fact, refuted a proposition, weakened an argument, maintained by me? Has he come within beat of drum of any position of mine? O, no; but he has "carried the war into the enemy's country!" Carried the war into the enemy's country! Yes, sir, and what sort of a war has he made of it? Why, sir, he has stretched a drag-net over the whole surface of perished pamphlets, indiscreet sermons, frothy paragraphs, and fuming popular addresses; over whatever the pulpit in its moments of alarm, the press in its heats, and parties in their extravagance, have severally thrown off in times of general excitement and violence. He has thus swept together a mass of such things as, but that they are now old and cold, the public health would have required him rather to leave in their state of dispersion. For a good long hour or two, we had the unbroken pleasure of listening to the honorable member, while he recited with his usual grace and spirit, and with evident high gusto, speeches, pamphlets, addresses, and all the *et ceteras* of the political press, such as warm heads produce in warm times; and such as it would be "discomfiture" indeed, for any one, whose taste did not delight in that sort of reading, to be obliged

to peruse. This is his war. This is to carry the war into the enemy's country. It is in an invasion of this sort, that he flatters himself with the expectation of gaining laurels fit to adorn a senator's brow!

Mr. President, I shall not, it will not, I trust, be expected that I should either now or at any time, separate this farrago into parts, and answer and examine its components. I shall hardly bestow upon it all a general remark or two. In the run of forty years, sir, under this constitution, we have experienced sundry successive violent party contests. Party arose, indeed, with the constitution itself, and, in some form or other, has attended it through the greater part of its history. Whether any other constitution than the old articles of confederation was desirable, was itself a question on which parties formed; if a new constitution were framed, what powers should be given to it was another question; and when it had been formed, what was, in fact, the just extent of the powers actually conferred was a third. Parties, as we know, existed under the first administration, as distinctly marked as those which have manifested themselves at any subsequent period. The contest immediately preceding the political change in 1801, and that, again, which existed at the commencement of the late war, are other instances of party excitement, of something more than usual strength and intensity. In all these conflicts there was, no doubt, much of violence on both and all sides. It would be impossible, if one had a fancy for such employment, to adjust the relative *quantum* of violence between these contending parties. There was enough in each, as must always be expected in popular governments. With a great deal of proper and decorous discussion, there was mingled a great deal, also, of declamation, virulence, crimination and abuse. In regard to any party, probably, at one of the leading epochs in the history of parties, enough may be found to make out another equally inflamed exhibition, as that with which the honorable member has edi-

fied us. For myself, sir, I shall not rake among the rubbish of bygone times, to see what I can find, or whether I cannot find something by which I can fix a blot on the escutcheon of any state, any party, or any part of the country. General Washington's administration was steadily and zealously maintained, as we all know, by New England. It was violently opposed elsewhere. We know in what quarter he had the most earnest, constant, and persevering support, in all his great and leading measures. We know where his private and personal character was held in the highest degree of attachment and veneration; and we know, too, where his measures were opposed, his services slighted, and his character vilified. We know, or we might know, if we turned to the journals, who expressed respect, gratitude, and regret, when he retired from the chief magistracy, and who refused to express either respect, gratitude or regret. I shall not open those journals. Publications more abusive or scurrilous never saw the light, than were sent forth against Washington, and all his leading measures, from presses south of New England. But I shall not look them up. I employ no scavengers, no one is in attendance on me, tendering such means of retaliation; and if there were, with an ass's load of them, with a bulk as huge as that which the gentleman himself has produced, I would not touch one of them. I see enough of the violence of our own times, to be no way anxious to rescue from forgetfulness the extravagances of times past.

Besides, what is all this to the present purpose? It has nothing to do with the public lands, in regard to which the attack was begun; and it has nothing to do with those sentiments and opinions which, I have thought, tend to disunion, and all of which the honorable member seems to have adopted himself, and undertaken to defend. New England has, at times—so argues the gentleman—held opinions as dangerous as those which he now holds. Suppose this were so; why should *he*

therefore abuse New England? If he finds himself countenanced by acts of hers, how is it that, while he relies on these acts, he covers, or seeks to cover, their authors with reproach? But, sir, if in the course of forty years, there have been undue effervescences of party in New England, has the same thing happened nowhere else? Party animosity and party outrage, not in New England, but elsewhere, denounced President Washington, not only as a federalist, but as a tory, a British agent, a man who in his high office sanctioned corruption. But does the honorable member suppose, that if I had a tender here who should put such an effusion of wickedness and folly into my hand, I would stand up and read it against the south? Parties ran into great heats again in 1799 and 1800. What was said, sir, or rather what was not said, in those years, against John Adams, one of the signers of the declaration of independence, and its admitted ablest defender on the floor of congress? If the gentleman wishes to increase his stores of party abuse and frothy violence, if he has a determined proclivity to such pursuits, there are treasures of that sort south of the Potomac, much to his taste, yet untouched. I shall not touch them.

The parties which divided the country at the commencement of the late war, were violent. But then there was violence on both sides, and violence in every state. Minorities and majorities were equally violent. There was no more violence against the war in New England than in other states; nor any more appearance of violence, except that, owing to a dense population, greater facility of assembling, and more presses, there may have been more in quantity spoken and printed there than in some other places. In the article of sermons, too, New England is somewhat more abundant than South Carolina; and for that reason the chance of finding here and there an exceptionable one may be greater. I hope, too, there are more good ones. Opposition may have been more formidable in New England, as it embraced a larger portion of the whole

population; but it was no more unrestrained in its principle, or violent in manner. The minorities dealt quite as harshly with their own state governments as the majorities dealt with the administration here. There were presses on both sides, popular meetings on both sides, ay, and pulpits on both sides, also. The gentleman's purveyors have only catered for him among the productions of one side. I certainly shall not supply the deficiency by furnishing samples of the other. I leave to him, and to them, the whole concern.

It is enough for me to say, that if, in any part of this their grateful occupation, if, in all their researches, they find anything in the history of Massachusetts, or New England, or in the proceedings of any legislative or other public body, disloyal to the Union, speaking slightingly of its value, proposing to break it up, or recommending non-intercourse with neighboring states, on account of difference of political opinion, then, sir, I give them all up to the honorable gentleman's unrestrained rebuke; expecting, however, that he will extend his buffetings in like manner to all similar proceedings, *wherever else found.*

The gentleman, sir, has spoken at large of former parties, now no longer in being, by their received appellations, and has undertaken to instruct us, not only in the knowledge of their principles, but of their respective pedigrees also. He has ascended to their origin, and run out their genealogies. With most exemplary modesty, he speaks of the party to which he professes to have belonged himself, as the true Pure, the only honest, patriotic party, derived by regular descent, from father to son, from the time of the virtuous Romans! Spreading before us the *family tree* of political parties, he takes especial care to show himself snugly perched on a popular bough! He is wakeful to the expediency of adopting such rules of descent as shall bring him in, in exclusion of others, as an heir to the inheritance of all public virtue and all true political principle.

His party and his opinions are sure to be orthodox; heterodoxy is confined to his opponents. He spoke, sir, of the federalists, and I thought I saw some eyes begin to open and stare a little, when he ventured on that ground. I expected he would draw his sketches rather lightly, when he looked on the circle round him, and especially if he should cast his thoughts to the high places out of the senate. Nevertheless, he went back to Rome, *ad annum urbe condita*, and found the fathers of the federalists in the primeval aristocrats of that renowned empire! He traced the flow of federal blood down through successive ages and centuries, till he brought it into the veins of the American tories, of whom, by the way, there were twenty in the Carolinas for one in Massachusetts. From the tories he followed it to the federalists; and, as the federal party was broken up, and there was no possibility of transmitting it further on this side of the Atlantic, he seems to have discovered that it has gone off collaterally, though against all the canons of descent, into the ultras of France, and finally become extinguished, like exploded gas, among the adherents of Don Miguel! This, sir is an abstract of the gentleman's history of federalism. I am not about to controvert it. It is not, at present, worth the pains of refutation; because, sir, if at this day any one feels the sin of federalism lying heavily on his conscience, he can easily procure remission. He may even obtain an indulgence, if he be desirous of repeating the same transgression. It is an affair of no difficulty to get into this same right line of patriotic descent. A man now-a-days is at liberty to choose his political parentage. He may elect his own father. Federalist or not, he may, if he choose, claim to belong to the favored stock, and his claim will be allowed. He may carry back his pretensions just as far as the honorable gentleman himself; nay, he may make himself out the honorable gentleman's cousin, and prove, satisfactorily, that he is descended from the same political great-grandfather. All this is allowable. We all know a pro-

cess, sir, by which the whole Essex junto could, in one hour, be all washed white from their ancient federalism, and come out, every one of them, an original democrat, dyed in the wool! Some of them have actually undergone the operation, and they say it is quite easy. The only inconvenience it occasions, as they tell us, is a slight tendency of the blood to the face, a soft suffusion, which, however, is very transient, since nothing is said by those whom they join, calculated to deepen the red on the cheek, but a prudent silence observed in regard to all the past. Indeed, sir, some smiles of approbation have been bestowed, and some crumbs of comfort have fallen, not a thousand miles from the door of the Hartford convention itself. And if the author of the ordinance of 1787 possessed the other requisite qualifications, there is no knowing, notwithstanding his federalism, to what heights of favor he might not yet attain.

Mr. President, in carrying his warfare, such as it is, into New England, the honorable gentleman all along professes to be acting on the defensive. He elects to consider me as having assailed South Carolina, and insists that he comes forth only as her champion, and in her defense. Sir, I do not admit that I made any attack whatever on South Carolina. Nothing like it. The honorable member, in his first speech, expressed opinions, in regard to revenue and some other topics, which I heard both with pain and with surprise. I told the gentleman I was aware that such sentiments were entertained *out* of the government, but had not expected to find them advanced in it; that I knew there were persons in the south who speak of our Union with indifference or doubt, taking pains to magnify its evils, and to say nothing of its benefits; that the honorable member himself, I was sure, could never be one of these; and I regretted the expression of such opinions as he had avowed, because I thought their obvious tendency was to encourage feelings of disrespect to the Union, and to weaken its connection. This, sir, is the sum and substance of all I said on the subject.

And this constitutes the attack which called on the chivalry of the gentleman, in his own opinion, to harry us with such a foray among the party pamphlets and party proceedings of Massachusetts! If he means that I spoke with dissatisfaction or disrespect of the ebullitions of individuals in South Carolina, it is true. But if he means that I had assailed the character of the state, her honor, or patriotism, that I had reflected on her history or her conduct, he has not the slightest ground for any such assumption. I did not even refer, I think, in my observations, to any collection of individuals. I said nothing of the recent conventions. I spoke in the most guarded and careful manner, and only expressed my regret for the publication of opinions, which I presumed the honorable member disapproved as much as myself. In this, it seems I was mistaken. I do not remember that the gentleman has disclaimed any sentiment, or any opinion, of a supposed anti-union tendency, which on all or any of the recent occasions has been expressed. The whole drift of his speech has been rather to prove, that, in divers times and manners, sentiments equally liable to my objection have been promulged in New England. And one would suppose that his object, in this reference to Massachusetts, was to find a precedent to justify proceedings in the south, were it not for the reproach and contumely with which he labors, all along, to load these his own chosen precedents. By way of defending South Carolina from what he chooses to think an attack on her, he first quotes the example of Massachusetts, and then denounces that example in good set terms. This twofold purpose, not very consistent, with itself, one would think, was exhibited more than once in the course of his speech. He referred, for instance, to the Hartford convention. Did he do this for authority, or for a topic of reproach? Apparently for both, for he told us that he should find no fault with the mere fact of holding such a convention, and considering and discussing such questions as he supposes were then and there discussed;

but what rendered it obnoxious was the time it was holden, and the circumstances of the country then existing. We were in a war, he said, and the country needed all our aid; the hand of government required to be strengthened, not weakened; and patriotism should have postponed such proceedings to another day. The thing itself, then, is a precedent; the time and manner of it only, a subject of censure.

Now, sir, I go much further, on this point, than the honorable member. Supposing, as the gentleman seems to do, that the Hartford convention assembled for any such purpose as breaking up the Union, because they thought unconstitutional laws had been passed, or to consult on that subject, or *to calculate the value of the Union;* supposing this to be their purpose, or any part of it, then I say the meeting itself was disloyal, and was obnoxious to censure, whether held in time of peace or time of war, or under whatever circumstances. The material question is the *object.* Is dissolution the *object?* If it be, external circumstances may make it a more or less aggravated case, but cannot affect the principle. I do not hold, therefore, sir, that the Hartford convention was pardonable, even to the extent of the gentleman's admission, if its objects were really such as have been imputed to it. Sir, there never was a time, under any degree of excitement, in which the Hartford convention, or any other convention, could maintain itself one moment in New England, if assembled for any such purpose as the gentleman says would have been an allowable purpose. To hold conventions to decide constitutional law! To try the binding validity of statutes by votes in a convention! Sir, the Hartford convention, I presume, would not desire that the honorable gentleman should be their defender or advocate, if he puts their case upon such untenable and extravagant grounds.

Then, sir, the gentleman has no fault to find with these recently promulgated South Carolina opinions. And certainly

he need have none; for his own sentiments, as now advanced, and advanced on reflection, as far as I have been able to comprehend them, go the full length of all these opinions. I propose, sir, to say something on these, and to consider how far they are just and constitutional. Before doing that, however, let me observe that the eulogium pronounced on the character of the state of South Carolina, by the honorable gentleman, for her revolutionary and other merits, meets my hearty concurrence. I shall not acknowledge that the honorable member goes before me in regard for whatever of distinguished talent, or distinguished character, South Carolina has produced. I claim part of the honor, I partake in the pride, of her great names. I claim them for countrymen, one and all, the Laurenses, the Rutledges, the Pinckneys, the Sumpters, the Marions, Americans all, whose fame is no more to be hemmed in by state lines, than their talents and patriotism were capable of being circumscribed within the same narrow limits. In their day and generation, they served and honored the country, and the whole country; and their renown is of the treasures of the whole country. Him whose honored name the gentleman himself bears—does he esteem me less capable of gratitude for his patriotism, or sympathy for his sufferings, than if his eyes had first opened upon the light of Massachusetts, instead of South Carolina? Sir, does he suppose it in his power to exhibit a Carolina name so bright, as to produce envy in my bosom? No, sir, increased gratification and delight, rather. I thank God, that, if I am gifted with little of the spirit which is able to raise mortals to the skies, I have yet none, as I trust, of that other spirit, which would drag angels down. When I shall be found, sir, in my place here in the senate, or elsewhere, to sneer at public merit, because it happens to spring up beyond the little limits of my own state or neighborhood; when I refuse, for any such cause, or for any cause, the homage due to American talent, to elevated patriotism, to sincere devotion to liberty and

the country; or, if I see an uncommon endowment of Heaven, if I see extraordinary capacity and virtue, in any son of the south, and if, moved by local prejudice or gangrened by state jealousy, I get up here to abate the tithe of a hair from his just character and just fame, may my tongue cleave to the roof of my mouth!

Sir, let me recur to pleasing recollections; let me indulge in refreshing remembrance of the past; let me remind you that, in early times, no states cherished greater harmony, both of principle and feeling, than Massachusetts and South Carolina. Would to God that harmony might again return! Shoulder to shoulder they went through the revolution, hand in hand they stood round the administration of Washington, and felt his own great arm lean on them for support. Unkind feeling, if it exists, alienation, and distrust are the growth, unnatural to such soils, of false principles since sown. They are weeds, the seeds of which that same great arm never scattered.

Mr. President, I shall enter on no encomium upon Massachusetts; she needs none. There she is. Behold her, and judge for yourselves. There is her history; the world knows it by heart. The past, at least, is secure. There is Boston, and Concord, and Lexington, and Bunker Hill; and there they will remain forever. The bones of her sons, falling in the great struggle for independence, now lie mingled with the soil of every state from New England to Georgia; and there they will lie forever. And, sir, where American liberty raised its first voice, and where its youth was nurtured and sustained, there it still lives, in the strength of its manhood and full of its original spirit. If discord and disunion shall wound it, if party strife and blind ambition shall hawk at and tear it, if folly and madness, if uneasiness under salutary and necessary restraint, shall succeed in separating it from that Union, by which alone its existence is made sure, it will stand, in the end, by the side of that cradle in which its infancy was rocked; it

will stretch forth its arm with whatever of vigor it may still retain over the friends who gather round it; and it will fall at last, if fall it must, amidst the proudest monuments of its own glory, and on the very spot of its origin.

There yet remains to be performed, Mr. President, by far the most grave and important duty, which I feel to be devolved on me by this occasion. It is to state, and to defend, what I conceive to be the true principles of the constitution under which we are here assembled. I might well have desired that so weighty a task should have fallen into other and abler hands. I could have wished that it should have been executed by those whose character and experience give weight and influence to their opinions, such as cannot possibly belong to mine. But, sir, I have met the occasion, not sought it; and I shall proceed to state my own sentiments, without challenging for them any particular regard, with studied plainness, and as much precision as possible.

I understand the honorable gentleman from South Carolina to maintain, that it is a right of the state legislatures to interfere, whenever, in their judgment, this government transcends its constitutional limits, and to arrest the operation of its laws.

I understand him to maintain this right, as a right existing *under* the constitution, not as a right to overthrow it on the ground of extreme necessity, such as would justify violent revolution.

I understand him to maintain an authority, on the part of the states, thus to interfere, for the purpose of correcting the exercise of power by the general government, of checking it, and of compelling it to conform to their opinion of the extent of its powers.

I understand him to maintain, that the ultimate power of judging of the constitutional extent of its own authority is not lodged exclusively in the general government, or any branch

of it; but that, on the contrary, the states may lawfully decide for themselves, and each state for itself, whether, in a given case, the act of the general government transcends its power.

I understand him to insist, that, if the exigency of the case, in the opinion of any state government, require it, such state government may, by its own sovereign authority, annul an act of the general government which it deems plainly and palpably unconstitutional.

This is the sum of what I understand from him to be the South Carolina doctrine, and the doctrine which he maintains. I propose to consider it, and compare it with the constitution. Allow me to say, as a preliminary remark, that I call this the South Carolina doctrine only because the gentleman himself has so denominated it. I do not feel at liberty to say that South Carolina, as a state, has ever advanced these sentiments. I hope she has not, and never may. That a great majority of her people are opposed to the tariff laws, is doubtless true. That a majority, somewhat less than that just mentioned, conscientiously believe these laws unconstitutional, may probably also be true. But that any majority holds to the right of direct state interference at state discretion, the right of nullifying acts of congress by acts of state legislation, is more than I know, and what I shall be slow to believe.

That there are individuals besides the honorable gentleman who do maintain these opinions, is quite certain. I recollect the recent expression of a sentiment, which circumstances attending its utterance and publication justify us in supposing was not unpremeditated. "The sovereignty of the state—never to be controlled, construed, or decided on, but by her own feelings of honorable justice."

Mr. Hayne here rose and said, that, for the purpose of being clearly understood, he would state that his proposition was in the words of the Virginia resolution, as follows:

"That this assembly doth explicitly and peremptorily declare, that it views the powers of the federal government, as resulting from the compact to which the states are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no farther valid than they are authorized by the grants enumerated in that compact; and that, in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said compact, the states who are parties thereto have the right, and are in duty bound, to interpose, for arresting the progress of the evil, and for maintaining within their respective limits the authorities, rights, and liberties appertaining to them."

Mr. Webster resumed:

I am quite aware, Mr. President, of the existence of the resolution which the gentleman read, and has now repeated, and that he relies on it as his authority. I know the source, too, from which it is understood to have proceeded. I need not say that I have much respect for the constitutional opinions of Mr. Madison; they would weigh greatly with me always. But before the authority of his opinion be vouched for the gentleman's proposition, it will be proper to consider what is the fair interpretation of that resolution, to which Mr. Madison is understood to have given his sanction. As the gentleman construes it, it is an authority for him. Possibly, he may not have adopted the right construction. That resolution declares, that, *in the case of the dangerous exercise of powers not granted by the general government, the states may interpose to arrest the progress of the evil.* But how interpose, and what does this declaration purport? Does it mean no more than that there may be extreme cases, in which the people, in any mode of assembling, may resist usurpation, and relieve themselves from a tyrannical government? No one will deny this. Such resistance is not only acknowledged to be just in America, but in England, also. Blackstone admits as much in the theory, and practice, too, of the English constitution. We, sir, who oppose the Carolina doctrine, do not deny that the people may, if they choose,

throw off any government when it becomes oppressive and intolerable, and erect a better in its stead. We all know that civil institutions are established for the public benefit, and that when they cease to answer the ends of their existence they may be changed. But I do not understand the doctrine now contended for to be that, which, for the sake of distinction, we may call the right of revolution. I understand the gentleman to maintain, that, without revolution, without civil commotion, without rebellion, a remedy for supposed abuse and transgression of the powers of the general government lies in a direct appeal to the interference of the state governments.

Mr. Hayne here rose: He did not contend, he said, for the mere right of revolution, but for the right of constitutional resistance. What he maintained was, that in case of a plain, palpable violation of the constitution by the general government, a state may interpose; and that this interposition is constitutional.

Mr. Webster resumed:

So, sir, I understood the gentleman, and am happy to find that I did not misunderstand him. What he contends for is, that it is constitutional to interrupt the administration of the constitution itself, in the hands of those who are chosen and sworn to administer it, by the direct interference, in form of law, of the states, in virtue of their sovereign capacity. The inherent right in the people to reform their government I do not deny; and they have another right, and that is, to resist unconstitutional laws, without overturning the government. It is no doctrine of mine that unconstitutional laws bind the people. The great question is, Whose prerogative is it to decide on the constitutionality or unconstitutionality of the laws? On that, the main debate hinges. The proposition, that, in case of a supposed violation of the constitution by congress the states have a constitutional right to interfere and annul the law of congress, is the proposition of the gentleman. I do not admit

it. If the gentleman had intended no more than to assert the right of revolution for justifiable cause, he would have said only what all agree to. But I cannot conceive that there can be a middle course, between submission to the laws, when regularly pronounced constitutional, on the one hand, and open resistance, which is revolution or rebellion, on the other. I say, the right of a state to annul a law of congress cannot be maintained, but on the ground of the inalienable right of man to resist oppression; that is to say, upon the ground of revolution. I admit that there is an ultimate violent remedy, above the constitution and in defiance of the constitution, which may be resorted to when a revolution is to be justified. But I do not admit, that, under the constitution and in conformity with it, there is any mode in which a state government, as a member of the Union, can interfere and stop the progress of the general government, by force of her own laws, under any circumstances whatever.

This leads us to inquire into the origin of this government and the source of its power. Whose agent is it? Is it the creature of the state legislatures, or the creature of the people? If the government of the United States be the agent of the state governments, then they may control it, provided they can agree in the manner of controlling it; if it be the agent of the people, then the people alone can control it, restrain it, modify, or reform it. It is observable enough, that the doctrine for which the honorable gentleman contends leads him to the necessity of maintaining, not only that this general government is the creature of the states, but that it is the creature of each of the states severally, so that each may assert the power for itself of determining whether it acts within the limits of its authority. It is the servant of four-and-twenty masters, of different wills and different purposes, and yet bound to obey all. This absurdity (for it seems no less) arises from a misconception as to the origin of this government and its true character. It is, sir, the people's constitution, the people's government, made for the

people, made by the people, and answerable to the people. The people of the United States have declared that this constitution shall be the supreme law. We must either admit the proposition, or dispute the authority. The states are, unquestionably, sovereign, so far as their sovereignty is not affected by this supreme law. But the state legislatures, as political bodies, however sovereign, are yet not sovereign over the people. So far as the people have given power to the general government, so far the grant is unquestionably good, and the government holds of the people, and not of the state governments. We are all agents of the same supreme power, the people. The general government and the state governments derive their authority from the same source. Neither can, in relation to the other, be called primary, though one is definite and restricted, and the other general and residuary. The national government possesses those powers which it can be shown the people have conferred on it, and no more. All the rest belongs to the state governments, or to the people themselves. So far as the people have restrained state sovereignty, by the expression of their will, in the constitution of the United States, so far, it must be admitted, state sovereignty is effectually controlled. I do not contend that it is, or ought to be, controlled farther. The sentiment to which I have referred propounds that state sovereignty is only to be controlled by its own "feeling of justice;" that is to say, it is not to be controlled at all, for one who is to follow his own feelings, is under no legal control. Now, however men may think this ought to be, the fact is, that the people of the United States have chosen to impose control on state sovereignties. There are those, doubtless, who wish they had been left without restraint; but the constitution has ordered the matter differently. To make war, for instance, is an exercise of sovereignty; but the constitution declares that no state shall make war. To coin money is another exercise of sovereign power; but no state is at liberty to coin money. Again, the constitu-

tion says that no sovereign state shall be so sovereign as to make a treaty. These prohibitions it must be confessed, are a control on the state sovereignty of South Carolina, as well as of the other states, which does not arise "from her own feelings of honorable justice." Such an opinion, therefore, is in defiance of the plainest provisions of the constitution.

There are other proceedings of public bodies which have already been alluded to, and to which I refer again, for the purpose of ascertaining more fully what is the length and breadth of that doctrine, denominated the Carolina doctrine, which the honorable member has now stood up on this floor to maintain. In one of them I find it resolved, that "the tariff of 1828, and every other tariff designed to promote one branch of industry at the expense of others, is contrary to the meaning and intention of the federal compact; and, as such, a dangerous, palpable, and deliberate usurpation of power, by a determined majority, wielding the general government beyond the limits of its delegated powers, as calls upon the states which compose the suffering minority, in their sovereign capacity, to exercise the powers which, as sovereigns, necessarily devolve upon them, when their compact is violated."

Observe, sir, that this resolution holds the tariff of 1828, and every other tariff designed to promote one branch of industry at the expense of another, to be such a dangerous, palpable, and deliberate usurpation of power, as calls upon the states, in their sovereign capacity, to interfere by their own authority. This denunciation, Mr. President, you will please to observe, includes our old tariff of 1816, as well as others; because that was established to promote the interest of the manufacturers of cotton, to the manifest and admitted injury of the Calcutta cotton trade. Observe, again, that all the qualifications are here rehearsed and charged upon the tariff, which are necessary to bring the case within the gentleman's proposition. The tariff is a usurpation; it is a dangerous usurpation; it is a palpable usurpa-

tion; it is a deliberate usurpation. It is such a usurpation, therefore, as calls upon the states to exercise their right of interference. Here is a case, then, within the gentleman's principles, and all his qualifications of his principles. It is a case for action. The constitution is plainly, dangerously, palpably, and deliberately violated; and the states must interpose their own authority to arrest the law. Let us suppose the state of South Carolina to express this same opinion, by the voice of her legislature. That would be very imposing; but what then? Is the voice of one state conclusive? It so happens that, at the very moment when South Carolina resolves that the tariff laws are unconstitutional, Pennsylvania and Kentucky resolve exactly the reverse. *They* hold those laws to be both highly proper and strictly constitutional. And now, sir, how does the honorable member propose to deal with this case? How does he relieve us from this difficulty, upon any principle of his? His construction gets us into it; how does he propose to get us out?

In Carolina, the tariff is a palpable, deliberate usurpation; Carolina, therefore, may nullify it, and refuse to pay the duties. In Pennsylvania, it is both clearly constitutional and highly expedient; and there the duties are to be paid. And yet we live under a government of uniform laws, and under a constitution, too, which contains an express provision, as it happens, that all duties shall be equal in all the states. Does not this approach absurdity?

If there be no power to settle such questions, independent of either of the states, is not the whole Union a rope of sand? Are we not thrown back again, precisely, upon the old confederation?

It is too plain to be argued. Four-and-twenty interpreters of constitutional law, each with a power to decide for itself, and none with authority to bind anybody else, and this constitutional law the only bond of their union! What is such a

state of things but a mere connection during pleasure, or, to use the phraseology of the times, *during feeling?* And that feeling, too, not the feeling of the people, who established the constitution, but the feeling of the state governments.

In another of the South Carolina addresses, having premised that the crisis requires "all the concentrated energy of passion," an attitude of open resistance to the laws of the Union is advised. Open resistance to the laws, then, is the constitutional remedy, the conservative power of the state, which the South Carolina doctrines teach for the redress of political evils, real or imaginary. And its authors further say, that, appealing with confidence to the constitution itself, to justify their opinions, they cannot consent to try their accuracy by the courts of justice. In one sense, indeed, sir, this is assuming an attitude of open resistance in favor of liberty. But what sort of liberty? The liberty of establishing their own opinions, in defiance of the opinions of all others; the liberty of judging and of deciding exclusively themselves, in a matter in which others have as much right to judge and decide as they; the liberty of placing their own opinions above the judgment of all others, above the laws, and above the constitution. This is their liberty, and this is the fair result of the proposition contended for by the honorable gentleman. Or, it may be more properly said, it is identical with it, rather than a result from it.

In the same publication we find the following: "Previously to our revolution, when the arm of oppression was stretched over New England, where did our northern brethren meet with a braver sympathy than that which sprung from the bosoms of Carolinians? We had no extortion, no oppression, no collision with the king's ministers, no navigation interests springing up, in envious rivalry of England!"

This seems extraordinary language. South Carolina no collision with the king's ministers in 1775! No extortion! No oppression! But, sir, it is also most significant language.

Does any man doubt the purpose for which it was penned? Can any one fail to see that it was designed to raise in the reader's mind the question, whether, *at this time*—that is to say, in 1828—South Carolina has any collision with the king's ministers, any oppression, or extortion, to fear from England? whether, in short, England is not as naturally the friend of South Carolina as New England, with her navigation interests springing up in envious rivalry of England?

Is it not strange, sir, that an intelligent man in South Carolina, in 1828, should thus labor to prove that, in 1775, there was no hostility, no cause of war, between South Carolina and England? That she had no occasion, in reference to her own interest, or from a regard to her own welfare, to take up arms in the revolutionary contest? Can any one account for the expression of such strange sentiments, and their circulation through the state, otherwise than by supposing the object to be what I have already intimated, to raise the question, if they had no "*collision*" (mark the expression) with the ministers of King George the Third, in 1775, what *collision* have they, in 1828, with the ministers of King George the Fourth? What is there now in the existing state of things, to separate Carolina from *Old*, more, or rather, than from *New* England?

Resolutions, sir, have been recently passed by the legislature of South Carolina. I need not refer to them; they go no farther than the honorable gentleman himself has gone, and I hope not so far. I content myself, therefore, with debating the matter with him.

And now, sir, what I have first to say on this subject is, that at no time, and under no circumstances, has New England, or any state in New England, or any respectable body of persons in New England, or any public man of standing in New England, put forth such a doctrine as this Carolina doctrine.

The gentleman has found no case, he can find none, to sup-

port his own opinions by New England authority. New England has studied the constitution in other schools, and under other teachers. She looks upon it with other regards, and deems more highly and reverently both of its just authority and its utility and excellence. The history of her legislative proceedings may be traced. The ephemeral effusions of temporary bodies, called together by the excitement of the occasion, may be hunted up; they have been hunted up. The opinions and votes of her public men, in and out of congress, may be explored. It will all be in vain. The Carolina doctrine can derive from her neither countenance nor support. She rejects it now; she always did reject it; and till she loses her senses, she always will reject it. The honorable member has referred to expressions on the subject of the embargo law, made in this place, by an honorable and venerable gentleman, (Mr. Hillhouse,) now favoring us with his presence. He quotes that distinguished senator as saying, that, in his judgment, the embargo law was unconstitutional, and that therefore, in his opinion, the people were not bound to obey it. That, sir, is perfectly constitutional language. An unconstitutional law is not binding; *but then it does not rest with a resolution or a law of a state legislature to decide whether an act of congress be or be not constitutional.* An unconstitutional act of congress would not bind the people of this district, although they have no legislature to interfere in their behalf; and, on the other hand, a constitutional law of congress does bind the citizens of every state, although all their legislatures should undertake to annul it by act or resolution. The venerable Connecticut senator is a constitutional lawyer, of sound principles and enlarged knowledge; a statesman practiced and experienced, bred in the company of Washington, and holding just views upon the nature of our governments. He believed the embargo unconstitutional, and so did others; but what then? Who did he sup-

pose was to decide that question? The state legislatures? Certainly not. No such sentiment ever escaped his lips.

Let us follow up, sir, this New England opposition to the embargo laws; let us trace it, till we discern the principle which controlled and governed New England throughout the whole course of that opposition. We shall then see what similarity there is between the New England school of constitutional opinions, and this modern Carolina school. The gentleman, I think, read a petition from some single individual addressed to the legislature of Massachusetts, asserting the Carolina doctrine; that is, the right of state interference to arrest the laws of the Union. The fate of that petition shows the sentiment of the legislature. It met no favor. The opinions of Massachusetts were otherwise. They had been expressed in 1798, in answer to the resolutions of Virginia, and she did not depart from them, nor bend them to the times. Misgoverned, wronged, oppressed, as she felt herself to be, she still held fast her integrity to the Union. The gentleman may find in her proceedings much evidence of dissatisfaction with the measures of government, and great and deep dislike to the embargo; all this makes the case so much the stronger for her; for, notwithstanding all this dissatisfaction and dislike, she claimed no right, still, to sever asunder the bonds of the Union. There was heat, and there was anger in her political feeling. Be it so; her heat or her anger did not, nevertheless, betray her into infidelity to the government. The gentleman labors to prove that she disliked the embargo as much as South Carolina dislikes the tariff, and expressed her dislike as strongly. Be it so; but did she propose the Carolina remedy? did she threaten to interfere, by state authority, to annul the laws of the Union? That is the question for the gentleman's consideration?

No doubt, sir, a great majority of the people of New England conscientiously believed the embargo law of 1807 unconstitutional; as conscientiously, certainly, as the people of South

Carolina hold that opinion of the tariff. They reasoned thus: Congress has power to regulate commerce; but here is a law, they said, stopping all commerce, and stopping it indefinitely. The law is perpetual; that is, it is not limited in point of time, and must of course continue until it shall be repealed by some other law. It is as perpetual, therefore, as the law against treason or murder. Now, is this regulating commerce, or destroying it? Is it guiding, controlling, giving the rule to commerce, as a subsisting thing, or is it putting an end to it altogether? Nothing is more certain, than that a majority in New England deemed this law a violation of the constitution. The very case required by the gentleman to justify state interference had then arisen. Massachusetts believed this law to be "a deliberate, palpable, and dangerous exercise of a power not granted by the constitution." Deliberate it was, for it was long continued; palpable she thought it, as no words in the constitution gave the power, and only a construction, in her opinion most violent, raised it; dangerous it was, since it threatened utter ruin to her most important interests. Here, then, was a Carolina case. How did Massachusetts deal with it? It was, as she thought, a plain, manifest, palpable violation of the constitution, and it brought ruin to her doors. Thousands of families, and hundreds of thousands of individuals, were beggared by it. While she saw and felt all this, she saw and felt also, that, as a measure of national policy, it was perfectly futile; that the country was no way benefitted by that which caused so much individual distress; that it was efficient only for the production of evil, and all that evil inflicted on ourselves. In such a case, under such circumstances, how did Massachusetts demean herself? Sir, she remonstrated, she memorialized, she addressed herself to the general government, not exactly "with the concentrated energy of passion," but with her own strong sense, and the energy of sober conviction. But she did not interpose the arm of her own power to arrest the law, and break the embargo.

Far from it. Her principles bound her to two things; and she followed her principles, lead where they might. First, to submit to every constitutional law of congress, and secondly, if the constitutional validity of the law be doubted, to refer that question to the decision of the proper tribunals. The first principle is vain and ineffectual without the second. A majority of us in New England believed the embargo law unconstitutional; but the great question was, and always will be in such cases, Who is to decide this? Who is to judge between the people and the government? And, sir, it is quite plain, that the constitution of the United States confers on the government itself, to be exercised by its appropriate department, and under its own responsibility to the people, this power of deciding ultimately and conclusively upon the just extent of its own authority. If this had not been done, we should not have advanced a single step beyond the old confederation.

Being fully of opinion that the embargo law was unconstitutional, the people of New England were yet equally clear in the opinion—it was a matter they did not doubt upon—that the question, after all, must be decided by the judicial tribunals of the United States. Before these tribunals, therefore, they brought the question. Under the provisions of the law, they had given bonds to millions in amount, and which were alleged to be forfeited. They suffered the bonds to be sued, and thus raised the question. In the old-fashioned way of settling disputes, they went to law. The case came to hearing, and solemn argument; and he who espoused their cause, and stood up for them against the validity of the embargo act, was none other than that great man, of whom the gentleman has made honorable mention, Samuel Dexter. He was then, sir, in the fullness of his knowledge, and the maturity of his strength. He had retired from long and distinguished public service here, to the renewed pursuit of professional duties, carrying with him all that enlargement and expansion, all the new strength and

force, which an acquaintance with the more general subjects discussed in the national councils is capable of adding to professional attainment, in a mind of true greatness and comprehension. He was a lawyer, and he was also a statesman. He had studied the constitution, when he filled public station, that he might defend it; he had examined its principles that he might maintain them. More than all men, or at least as much as any man, he was attached to the general government and to the union of the states. His feelings and opinions all ran in that direction. A question of constitutional law, too, was, of all subjects, that one which was best suited to his talents and learning. Aloof from technicality, and unfettered by artificial rule, such a question gave opportunity for that deep and clear analysis, that mighty grasp of principle, which so much distinguished his higher efforts. His very statement was argument; his inference seemed demonstration. The earnestness of his own conviction wrought conviction in others. One was convinced, and believed, and assented, because it was gratifying, delightful, to think, and feel, and believe, in unison with an intellect of such evident superiority.

Mr. Dexter, sir, such as I have described him, argued the New England cause. He put into his effort his whole heart, as well as all the powers of his understanding; for he had avowed, in the most public manner, his entire concurrence with his neighbors on the point in dispute. He argued the cause; it was lost, and New England submitted. The established tribunals pronounced the law constitutional, and New England acquiesced. Now, sir, is not this the exact opposite of the doctrine of the gentleman from South Carolina? According to him, instead of referring to the judicial tribunals, we should have broken up the embargo by laws of our own; we should have repealed it, *quoad* New England; for we had a strong, palpable, and oppressive case. Sir, we believed the embargo unconstitutional; but still that was matter of opinion, and who was to decide it?

We thought it a clear case; but, nevertheless, we did not take the law into our own hands, because we did not wish to bring about a revolution, nor to break up the Union; for I maintain, that between submission to the decision of the constituted tribunals, and revolution, or disunion, there is no middle ground; there is no ambigous condition, half allegiance and half rebellion. And, sir, how futile, how very futile it is, to admit the right of state interference, and then attempt to save it from the character of unlawful resistance, by adding terms of qualification to the causes and occasions, leaving all these qualifications, like the case itself, in the discretion of the state governments. It must be a clear case, it is said, a deliberate case, a palpable case, a dangerous case. But then the state is still left at liberty to decide for herself what is clear, what is deliberate, what is palpable, what is dangerous. Do adjectives and epithets avail anything? Sir, the human mind is so constituted, that the merits of both sides of a controversy appear very clear, and very palpable, to those who respectively espouse them; and both sides usually grow clearer as the controversy advances. South Carolina sees unconstitutionality in the tariff; she sees oppression there, also, and she sees danger. Pennsylvania, with a vision not less sharp, looks at the same tariff, and sees no such thing in it; she sees it all constitutional, all useful, all safe. The faith of South Carolina is strengthed by opposition, and she now not only sees, but *resolves*, that the tariff is palpably unconstitutional, oppressive, and dangerous; but Pennsylvania, not to be behind her neighbors, and equally willing to strengthen her own faith by a confident asseveration, *resolves*, also, and gives to every warm affirmative of South Carolina, a plain, downright, Pennsylvania negative. South Carolina, to show the strength and unity of her opinion, brings her assembly to a unanimity, within seven voices; Pennsylvania, not to be outdone in this respect any more than in others, reduces her dissentient fraction to a single vote. Now, sir, again, I ask the

gentleman, What is to be done? Are these states both right? Is he bound to consider them both right? If not, which is in the wrong? or rather, which has the best right to decide? And if he, and if I, are not to know what the constitution means, and what it is, till those two state legislatures, and the twenty-two others, shall agree in its construction, what have we sworn to, when we have sworn to maintain it! I was forcibly struck, sir, with one reflection, as the gentleman went on in his speech. He quoted Mr. Madison's resolutions, to prove that a state may interfere, in a case of deliberate, palpable, and dangerous exercise of a power not granted. The honorable member supposes the tariff law to be such an exercise of power; and that consequently a case has arisen in which the state may, if it see fit, interfere by its own law. Now it so happens, nevertheless, that Mr. Madison deems this same tariff law quite constitutional. Instead of a clear and palpable violation, it is, in his judgment, no violation at all. So that, while they use his authority for a hypothetical case, they reject it in the very case before them. All this, sir, shows the inherent futility, I had almost said a stronger word, of conceding this power of interference to the states, and then attempting to secure it from abuse by imposing qualifications of which the states themselves are to judge. One of two things is true; either the laws of the Union are beyond the discretion and beyond the control of the states; or else we have no constitution of general government, and are thrust back again to the days of the confederacy.

Let me here say, sir, that if the gentleman's doctrine had been received and acted upon in New England, in the times of the embargo and non-intercourse, we should probably not now have been here. The government would very likely have gone to pieces, and crumbled into dust. No stronger case can ever arise than existed under those laws; no states can ever entertain a clearer conviction than the New England states then

entertained; and if they had been under the influence of that heresy of opinion, as I must call it, which the honorable member espouses, this Union would, in all probability, have been scattered to the four winds. I ask the gentleman, therefore, to apply his principles to that case; I ask him to come forth and declare, whether, in his opinion, the New England states would have been justified in interfering to break up the embargo system under the conscientious opinions which they held upon it? Had they a right to annul that law? Does he admit or deny? If what is thought palpably unconstitutional in South Carolina justifies that state in arresting the progress of the law, tell me whether that which was thought palpably unconstitutional also in Massachusetts would have justified her in doing the same thing. Sir, I deny the whole doctrine. It has not a foot of ground in the constitution to stand on. No public man of reputation ever advanced it in Massachusetts in the warmest times, or could maintain himself upon it there at any time.

I wish now, sir, to make a remark upon the Virginia resolutions of 1798. I cannot undertake to say how these resolutions were understood by those who passed them. Their language is not a little indefinite. In the case of the exercise by congress of a dangerous power not granted to them, the resolutions assert the right on the part of the state, to interfere and arrest the progress of the evil. This is susceptible of more than one interpretation. It may mean no more than that the states may interfere by complaint or remonstrance, or by proposing to the people an alteration of the federal constitution. This would all be quite unobjectionable. Or it may be that no more is meant than to assert the general right of revolution, as against all governments, in cases of intolerable oppression. This no one doubts, and this, in my opinion, is all that he who framed the resolutions could have meant by it; for I shall not readily believe that he was ever of opinion that a state, under the constitution and in conformity with it, could, upon the ground

of her own opinion of its unconstitutionality, however clear and palpable she might think the case, annul a law of congress, so far as it should operate on herself, by her own legislative power.

I must now beg to ask, sir, Whence is this supposed right of the states derived? Where do they find the power to interfere with the laws of the Union? Sir, the opinion which the honorable gentleman maintains is a notion founded in a total misapprehension, in my judgment, of the origin of this government, and of the foundation on which it stands. I hold it to be a popular government, erected by the people; those who administer it, responsible to the people; and itself capable of being amended and modified, just as the people may choose it should be. It is as popular, just as truly emanating from the people, as the state governments. It is created for one purpose; the state governments for another. It has its own powers; they have theirs. There is no more authority with them to arrest the operation of a law of congress, than with congress to arrest the operation of their laws. We are here to administer a constitution emanating immediately from the people, and trusted by them to our administration. It is not the creature of the state governments. It is of no moment to the argument, that certain acts of the state legislatures are necessary to fill our seats in this body. That is not one of their original state powers, a part of the sovereignty of the state. It is a duty which the people, by the constitution itself, have imposed on the state legislatures; and which they might have left to be performed elsewhere, if they had seen fit. So they have left the choice of president with electors; but all this does not affect the proposition that this whole government, president, senate, and house of representatives, is a popular government. It leaves it still all its popular character. The governor of the state (in some of the states) is chosen, not directly by the people, but by those who are chosen by the people, for the purpose of performing,

among other duties, that of electing a governor. Is the government of the state, on that account, not a popular government? This government, sir, is the independent offspring of the popular will. It is not the creature of state legislatures; nay, more, if the whole truth must be told, the people brought it into existence, established it, and have hitherto supported it, for the very purpose, amongst others, of imposing certain salutary restraints on state sovereignties. The states cannot now make war; they cannot contract alliances; they cannot make, each for itself, separate regulations of commerce; they cannot lay imposts; they cannot coin money. If this constitution, sir, be the creature of state legislatures, it must be admitted that it has obtained a strange control over the volition of its creators.

The people, then, sir, erected this government. They gave it a constitution, and in that constitution they have enumerated the powers which they bestow on it. They have made it a limited government. They have defined its authority. They have restrained it to the exercise of such powers as are granted; and all others, they declare, are reserved to the states or the people. But, sir, they have not stopped here. If they had, they would have accomplished but half their work. No definition can be so clear, as to avoid possibility of doubt; no limitation so precise, as to exclude all uncertainty. Who, then, shall construe this grant of the people? Who shall interpret their will, where it may be supposed they have left it doubtful? With whom do they repose this ultimate right of deciding on the powers of the government? Sir, they have settled all this in the fullest manner. They have left it with the government itself, in its appropriate branches. Sir, the very chief end, the main design, for which the whole constitution was framed and adopted, was to establish a government that should not be obliged to act through state agency, or depend on state opinion and state discretion. The people had had quite enough of that

kind of government under the confederacy. Under that system, the legal action, the application of law to individuals, belonged exclusively to the states. Congress could only recommend; their acts were not of binding force, till the states had adopted and sanctioned them. Are we in that condition still? Are we yet at the mercy of state discretion and state construction? Sir, if we are, then vain will be our attempt to maintain the constitution under which we sit.

But, sir, the people have wisely provided, in the constitution itself, a proper, suitable mode and tribunal for settling questions of constitutional law. There are in the constitution grants of powers to congress, and restrictions on those powers. There are, also, prohibitions on the states. Some authority must, therefore, necessarily exist, having the ultimate jurisdiction to fix and ascertain the interpretation of these grants, restrictions, and prohibitions. The constitution has itself pointed out, ordained, and established that authority. How has it accomplished this great and essential end? By declaring, sir, that "*the constitution, and the laws of the United States made in pursuance thereof, shall be the supreme law of the land, anything in the constitution or laws of any state to the contrary notwithstanding.*"

This, sir, was the first great step. By this the supremacy of the constitution and laws of the United States is declared. The people so will it. No state law is to be valid which comes in conflict with the constitution, or any law of the United States passed in pursuance of it. But who shall decide this question of interference? To whom lies the last appeal? This, sir, the constitution itself decides also, by declaring "*that the judicial power shall extend to all cases arising under the constitution and laws of the United States.*" These two provisions, sir, cover the whole ground. They are, in truth, the keystone of the arch! With these it is a government; without them it is a confederacy. In pursuance of these clear and ex-

press provisions, congress established, at its very first session, in the judicial act, a mode for carrying them into full effect, and for bringing all questions of constitutional power to the final decision of the supreme court. It then, sir, became a government. It then had the means of self-protection; and but for this, it would, in all probability, have been now among the things which are past. Having constituted the government, and declared its powers, the people have further said, that, since somebody must decide on the extent of these powers, the government shall itself decide; subject, always, like other popular governments, to its responsibility to the people. And now, sir, I repeat, how is it that a state legislature acquires any power to interfere? Who, or what, gives them the right to say to the people, "We, who are your agents and servants, for one purpose, will undertake to decide, that your other agents and servants, appointed by you for another purpose, have transcended the authority you gave them!" The reply would be, I think, not impertinent,—"Who made you a judge over another's servants? To their own masters they stand or fall."

Sir, I deny this power of state legislatures altogether. It cannot stand the test of examination. Gentlemen may say, that, in an extreme case, a state government might protect the people from intolerable oppression. Sir, in such a case, the people might protect themselves, without the aid of the state governments. Such a case warrants revolution. It must make, when it comes, a law for itself. A nullifying act of a state legislature cannot alter the case, nor make resistance any more lawful. In maintaining these sentiments, sir, I am but asserting the rights of the people. I state what they have declared, and insist on their right to declare it. They have chosen to repose this power in the general government, and I think it my duty to support it, like other constitutional powers.

For myself, sir, I do not admit the jurisdiction of South Carolina, or any other state, to prescribe my constitutional duty;

or to settle, between me and the people, the validity of laws of congress, for which I have voted. I decline her umpirage. I have not sworn to support the constitution according to her construction of its clauses. I have not stipulated by my oath of office or otherwise, to come under any responsibility, except to the people, and those whom they have appointed to pass upon the question, whether laws, supported by my votes, conform to the constitution of the country. And, sir, if we look to the general nature of the case, could anything have been more preposterous, than to make a government for the whole Union, and yet leave its powers subject, not to one interpretation, but to thirteen or twenty-four interpretations! Instead of one tribunal, established by all, responsible to all, with power to decide for all, shall constitutional questions be left to four-and-twenty popular bodies, each at liberty to decide for itself, and none bound to respect the decisions of others; and each at liberty, too, to give a new construction on every new election of its own members? Would anything, with such a principle in it, rather with such a destitution of all principle, be fit to be called a government? No, sir. It should not be denominated a constitution. It should be called, rather, a collection of topics for everlasting controversy; heads of debate for a disputatious people. It would not be a government. It would not be adequate to any practical good, or fit for any country to live under.

To avoid all possibility of being misunderstood, allow me to repeat again, in the fullest manner, that I claim no powers for the government by forced or unfair construction. I admit that it is a government of strictly limited powers; of enumerated, specified, and particularized powers; and that whatsoever is not granted, is withheld. But notwithstanding all this, and however the grant of powers may be expressed, its limit and extent may yet, in some cases, admit of doubt; and the general government would be good for nothing, it would be incapable of long

existing, if some mode had not been provided in which those doubts, as they should arise, might be peaceably, but authoritatively solved.

And now, Mr. President, let me run the honorable gentleman's doctrine a little into its practical application. Let us look at his probable *modus operandi*. If a thing can be done, an ingenious man can tell *how* it is to be done. Now I wish to be informed *how* this state interference is to be put in practice, without violence, bloodshed, and rebellion. We will take the existing case of the tariff law. South Carolina is said to have made up her opinion upon it. If we do not repeal it, (as we probably shall not,) she will then apply to the case the remedy of her doctrine. She will, we must suppose, pass a law of her legislature, declaring the several acts of congress, usually called the tariff laws, null and void, so far as they respect South Carolina, or the citizens thereof. So far, all is a paper transaction, and easy enough. But the collector at Charleston is collecting the duties imposed by these tariff laws. He, therefore, must be stopped. The collector will seize the goods if the tariff duties are not paid. The state authorities will undertake their rescue, the marshal, with his posse, will come to the collector's aid, and here the contest begins. The militia of the state will be called out to sustain the nullifying act. They will march, sir, under a very gallant leader; for I believe the honorable member himself commands the militia of that part of the state. He will raise the NULLIFYING ACT on his standard, and spread it out as his banner! It will have a preamble, bearing, that the tariff laws are palpable, deliberate, and dangerous violations of the constitution! He will proceed, with his banner flying, to the custom-house in Charleston,

"All the while,
Sonorous metal blowing martial sounds."

Arrived at the custom-house, he will tell the collector that he must collect no more duties under any of the tariff laws. This he will be somewhat puzzled to say, by the way, with a grave countenance, considering what hand South Carolina herself had in that of 1816. But, sir, the collector would not, probably, desist at his bidding. He would show him the law of congress, the treasury instruction, and his own oath of office. He would say, he should perform his duty, come what might.

Here would come a pause; for they say that a certain stillness precedes the tempest. The trumpeter would hold his breath awhile, and before all this military array should fall on the custom-house, collector, clerks, and all, it is very probable some of those composing it would request of their gallant commander-in-chief to be informed a little upon the point of law; for they have, doubtless, a just respect for his opinions as a lawyer, as well as for his bravery as a soldier. They know he has read Blackstone and the constitution, as well as Turenne and Vauban. They would ask him, therefore, something concerning their rights in this matter. They would inquire, whether it was not somewhat dangerous to resist a law of the United States. What would be the nature of their offence, they would wish to learn, if they, by military force and array, resisted the execution in Carolina of a law of the United States, and it should turn out, after all, that the law *was constitutional!* He would answer, of course, treason. No lawyer could give any other answer. John Fries, he would tell them, had learned that, some years ago. How, then, they would ask, do you propose to defend us? We are not afraid of bullets, but treason has a way of taking people off that we do not much relish. How do you propose to defend us? "Look at my floating banner," he would reply; "see there the *nullifying law!*" Is it your opinion, gallant commander, they would then say, that, if we should be indicted for treason, that same floating banner of yours would make a good plea in bar? "South Carolina is a sov-

ereign state," he would reply. That is true; but would the judge admit our plea? "These tariff laws," he would repeat, "are unconstitutional, palpably, deliberately, dangerously." That may all be so; but if the tribunal should not happen to be of that opinion, shall we swing for it? We are ready to die for our country, but it is rather an awkward business, this dying without touching the ground! After all, that is a sort of hemp tax worse than any part of the tariff.

Mr. President, the honorable gentleman would be in a dilemma, like that of another great general. He would have a knot before him which he could not untie. He must cut it with his sword. He must say to his followers, "Defend yourselves with your bayonets;" and this is war—civil war.

Direct collision, therefore, between force and force, is the unavoidable result of that remedy for the revision of unconstitutional laws which the gentleman contends for. It must happen in the very first case to which it is applied. Is not this the plain result? To resist by force the execution of a law, generally, is treason. Can the courts of the United States take notice of the indulgence of a state to commit treason? The common saying that a state cannot commit treason herself, is nothing to the purpose. Can she authorize others to do it? If John Fries had produced an act of Pennsylvania, annulling the law of congress, would it have helped his case? Talk about it as we will, these doctrines go the length of revolution. They are incompatible with any peaceable administration of the government. They lead directly to disunion and civil commotion; and therefore it is, that at their commencement, when they are first found to be maintained by respectable men, and in a tangible form, I enter my public protest against them all.

The honorable gentleman argues, that if this government be the sole judge of the extent of its own powers, whether that right of judging be in congress or the supreme court, it equally

subverts state sovereignty. This the gentleman sees, or thinks he sees, although he cannot perceive how the right of judging, in this matter, if left to the exercise of state legislatures, has any tendency to subvert the government of the Union. The gentleman's opinion may be, that the right *ought not* to have been lodged with the general government; he may like better such a constitution as we should have under the right of state interference; but I ask him to meet me on the plain matter of fact. I ask him to meet me on the constitution itself. I ask him if the power is not found there, clearly and visibly found there?

But, sir, what is this danger, and what are the grounds of it? Let it be remembered that the constitution of the United States is not unalterable. It is to continue in its present form no longer than the people who established it shall choose to continue it. If they shall become convinced that they have made an injudicious or inexpedient partition and distribution of power between the state governments and the general government, they can alter that distribution at will.

If anything be found in the national constitution, either by original provision or subsequent interpretation, which ought not to be in it, the people know how to get rid of it. If any construction be established unacceptable to them, so as to become practically a part of the constitution, they will amend it, at their own sovereign pleasure. But while the people choose to maintain it as it is, while they are satisfied with it, and refuse to change it, who has given, or who can give, to the state legislatures a right to alter it, either by interference, construction, or otherwise? Gentlemen do not seem to recollect that the people have any power to do anything for themselves. They imagine there is no safety for them, any longer than they are under the close guardianship of the state legislatures. Sir, the people have not trusted their safety, in regard to the general constitution, to these hands. They have required other security,

and taken other bonds. They have chosen to trust themselves, first, to the plain words of the instrument, and to such construction as the government itself, in doubtful cases, should put on its own powers, and under their oaths of office, and subject to their responsibility to them; just as the people of a state trust their own state government with a similar power. Secondly, they have reposed their trust in the efficacy of frequent elections, and in their own power to remove their own servants and agents whenever they see cause. Thirdly, they have reposed trust in the judicial power, which, in order that it might be trustworthy, they have made as respectable, as disinterested, and as independent as was practicable. Fourthly, they have seen fit to rely, in case of necessity, or high expediency, on their known and admitted power to alter or amend the constitution, peaceably and quietly, whenever experience shall point out defects or imperfections. And, finally, the people of the United States have at no time, in no way, directly or indirectly, authorized any state legislature to construe or interpret *their* high instrument of government; much less, to interfere, by their own power, to arrest its course and operation.

If, sir, the people in these respects had done otherwise than they have done, their constitution could neither have been preserved, nor would it have been worth preserving. And if its plain provisions shall now be disregarded, and these new doctrines interpolated in it, it will become as feeble and helpless a being as its enemies, whether early or more recent, could possibly desire. It will exist in every state but as a poor dependent on state permission. It must borrow leave to be; and will be, no longer than state pleasure, or state discretion, sees fit to grant the indulgence, and prolong its poor existence.

But, sir, although there are fears, there are hopes also. The people have preserved this, their own chosen constitution, for forty years, and have seen their happiness, prosperity, and re-

nown grow with its growth, and strengthen with its strength. They are now, generally, strongly attached to it. Overthrown by direct assault, it cannot be; evaded, undermined, NULLIFIED, it will not be, if we, and those who shall succeed us here, as agents and representatives of the people, shall conscientiously and vigilantly discharge the two great branches of our public trust, faithfully to preserve, and wisely to administer it.

Mr. President, I have thus stated the reasons of my dissent to the doctrines which have been advanced and maintained. I am conscious of having detained you and the senate much too long. I was drawn into the debate with no previous deliberation, such as is suited to the discussion of so grave and important a subject. But it is a subject of which my heart is full, and I have not been willing to suppress the utterance of its spontaneous sentiments. I cannot, even now, persuade myself to relinquish it, without expressing once more my deep conviction, that, since it respects nothing less than the union of the states, it is of most vital and essential importance to the public happiness. I profess, sir, in my career hitherto, to have kept steadily in view the prosperity and honor of the whole country, and the preservation of our federal Union. It is to that Union we owe our safety at home, and our consideration and dignity abroad. It is to that Union that we are chiefly indebted for whatever makes us most proud of our country. That Union we reached only by the discipline of our virtues in the severe school of adversity. It had its origin in the necessities of disordered finance, prostrate commerce and ruined credit. Under its benign influences, these great interests immediately awoke, as from the dead, and sprang forth with newness of life. Every year of its duration has teemed with fresh proofs of its utility and its blessings; and although our territory has stretched out wider and wider, and our population spread farther and

farther, they have not outrun its protection or its benefits. It has been to us all a copious fountain of national, social and personal happiness.

I have not allowed myself, sir, to look beyond the Union, to see what might lie hidden in the dark recess behind. I have not coolly weighed the chances of preserving liberty when the bonds that unite us together shall be broken asunder. I have not accustomed myself to hang over the precipice of disunion, to see whether, with my short sight, I can fathom the depth of the abyss below; nor could I regard him as a safe counselor in the affairs of this government, whose thoughts should be mainly bent on considering, not how the Union should be best preserved, but how tolerable might be the condition of the people when it shall be broken up and destroyed. While the Union lasts, we have high, exciting, gratifying prospects spread out before us, for us and our children. Beyond that I seek not to penetrate the vail. God grant that in my day, at least, that curtain may not rise! God grant that on my vision never may be opened what lies behind! When my eyes shall be turned to behold for the last time the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union; on states dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, in fraternal blood! Let their last feeble and lingering glance rather behold the gorgeous ensign of the republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original luster, not a stripe erased or polluted, nor a single star obscured, bearing for its motto, no such miserable interrogatory as "What is all this worth?" nor those other words of delusion and folly, "Liberty first and Union afterwards;" but everywhere, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea and over the land, and in every wind

under the whole heavens, that other sentiment, dear to every true American heart—Liberty *and* Union, now and forever, one and inseparable!

Mr. Hayne having rejoined to Mr. Webster, especially on the constitutional question, Mr. Webster rose, and, in conclusion, said:

A few words, Mr. President, on this constitutional argument, which the honorable gentleman has labored to reconstruct.

His argument consists of two propositions and an inference. His propositions are:

1. That the constitution is a compact between the states.

2. That a compact between two, with authority reserved to one to interpret its terms, would be a surrender to that one of all power whatever.

3. Therefore, (such is his inference,) the general government does not possess the authority to construe its own powers.

Now, sir, who does not see, without the aid of exposition or detection, the utter confusion of ideas involved in this so elaborate and systematic argument.

The constitution, it is said, is a compact *between states;* the states, then, and the states only, *are parties* to the compact. How comes the general government itself a *party?* Upon the honorable gentleman's hypothesis, the general government is the result of the compact, the creature of the compact, not one of the parties to it. Yet the argument, as the gentleman has now stated it, makes the government itself one of its own creators. It makes it a party to that compact to which it owes its own existence.

For the purpose of erecting the constitution on the basis of a compact, the gentleman considers the states as parties to that

compact; but as soon as his compact is made, then he chooses to consider the general government, which is the offspring of that compact, not its offspring, but one of its parties; and so, being a party, has not the power of judging on the terms of compact. Pray, sir, in what school is such reasoning as this taught?

If the whole of the gentleman's main proposition were conceded to him; that is to say, if I admit, for the sake of the argument, that the constitution is a compact between states, the inferences which he draws from that proposition are warranted by no just reason. Because, if the constitution be a compact between states, still that constitution, or that compact, has established a government, with certain powers; and whether it be one of those powers, that it shall construe and interpret for itself the terms of the compact, in doubtful cases, is a question which can only be decided by looking to the compact, and inquiring what provisions it contains on this point. Without any inconsistency with natural reason, the government even thus created might be trusted with this power of construction. The extent of its powers, therefore, must still be sought for in the instrument itself.

If the old confederation had contained a clause, declaring that resolutions of the congress should be the supreme law of the land, any state law or constitution to the contrary notwithstanding, and that a committee of congress, or any other body created by it, should possess judicial powers, extending to all cases arising under resolutions of congress, then the power of ultimate decision would have been vested in congress under the confederation, although that confederation was a compact between states; and for this plain reason; that it would have been competent to the states, who alone were parties to the compact, to agree who should decide in cases of dispute arising on the construction of the compact.

For the same reason, sir, if I were now to concede to the

gentleman his principal proposition, viz., that the constitution is a compact between states, the question would still be, What provision is made, in this compact, to settle points of disputed construction, or contested power, that shall come into controversy? And this question would still be answered, and conclusively answered, by the constitution itself.

While the gentleman is contending against construction, he himself is setting up the most loose and dangerous construction. The constitution declares, that *the laws of congress passed in pursuance of the constitution shall be the supreme law of the land.* No construction is necessary here. It declares, also, with equal plainness and precision, *that the judicial power of the United States shall extend to every case arising under the laws of congress.* This needs no construction. Here is a law, then, which is declared to be supreme; and here is a power established, which is to interpret that law. Now, sir, how has the gentleman met this? Suppose the constitution to be a compact, yet here are its terms; and how does the gentleman get rid of them? He cannot argue the *seal off the bond*, nor the words out of the instrument. Here they are; what answer does he give to them? None in the world, sir, except, that the effect of this would be to place the states in a condition of inferiority; and because it results from the very nature of things, there being no superior, that the parties must be their own judges! Thus closely and cogently does the honorable gentleman reason on the words of the constitution. The gentleman says, if there be such a power of final decision in the general government, he asks for the grant of that power. Well, sir, I show him the grant. I turn him to the very words. I show him that the laws of congress are made supreme; and that the judicial power extends, by express words, to the interpretation of these laws. Instead of answering this, he retreats into the general reflection, that it must result *from the*

nature of things, that the states, being parties, must judge for themselves.

I have admitted, that, if the constitution were to be considered as the creature of the state governments, it might be modified, interpreted, or construed according to their pleasure. But, even in that case, it would be necessary that they should *agree*. One alone could not interpret it conclusively; one alone could not construe it; one alone could not modify it. Yet the gentleman's doctrine is, that Carolina alone may construe and interpret that compact which equally binds all, and gives equal rights to all.

So, then, sir, even supposing the constitution to be a compact between the states, the gentleman's doctrine, nevertheless, is not maintainable; because, first, the general government is not a party to that compact, but a *government* established by it, and vested by it with the powers of trying and deciding doubtful questions; and secondly, because, if the constitution be regarded as a compact, not one state only, but all the states, are parties to that compact, and one can have no right to fix upon it her own peculiar construction.

So much, sir, for the argument, even if the premises of the gentleman were granted, or could be proved. But, sir, the gentleman has failed to maintain his leading proposition. He has not shown, it cannot be shown, that the constitution is a compact between state governments. The constitution itself, in its very front, refutes that idea; it declares that it is ordained and established *by the people of the United States*. So far from saying that it is established by the governments of the several states, it does not even say that it is established by the people *of the several states;* but it pronounces that it is established by the people of the United States, in the aggregate. The gentleman says, it must mean no more than the people of the several states. Doubtless, the people of the several states, taken collectively, constitute the people of the United

States; but it is in this, their collective capacity, it is as all the people of the United States, that they establish the constitution. So they declare; and words cannot be plainer than the words used.

When the gentleman says the constitution is a compact between the states, he uses language exactly applicable to the old confederation. He speaks as if he were in congress before 1789. He describes fully that old state of things then existing. The confederation was, in strictness, a compact; the states, as states, were parties to it. We had no other general government. But that was found insufficient, and inadequate to the public exigencies. The people were not satisfied with it, and undertook to establish a better. They undertook to form a general government, which should stand on a new basis; not a confederacy, not a league, not a compact between states, but a *constitution;* a popular government, founded in popular election, directly responsible to the people themselves, and divided into branches with prescribed limits of power, and prescribed duties. They ordained such a government, they gave it the name of a *constitution*, and therein they established a distribution of powers between this, their general government, and their several state governments. When they shall become dissatisfied with this distribution, they can alter it. Their own power over their own instrument remains. But until they shall alter it, it must stand as their will, and is equally binding on the general government and on the states.

The gentleman, sir, finds analogy where I see none. He likens it to the case of a treaty, in which, their being no common superior, each party must interpret for itself, under its own obligation of good faith. But this is not a treaty, but a constitution of government, with powers to execute itself, and fulfill its duties.

I admit, sir, that this government is a government of checks and balances; that is, the house of representatives is a check

on the senate, and the senate is a check on the house, and the president a check on both. But I cannot comprehend him, or, if I do, I totally differ from him, when he applies the notion of checks and balances to the interference of different governments. He argues, that, if we transgress, each state, as a state, has a right to check us. Does he admit the converse of the proposition, that we have a right to check the states? The gentleman's doctrines would give us a strange jumble of authorities and powers, instead of governments of separate and defined powers. It is the part of wisdom, I think, to avoid this; and to keep the general government and the state government each in its proper sphere, avoiding as carefully as possible every kind of interference.

Finally, sir, the honorable gentleman says, that the states will only interfere, by their power, to preserve the constitution. They will not destroy it, they will not impair it; they will only save, they will only preserve, they will only strengthen it! Ah! sir, this is but the old story. All regulated governments, all free governments, have been broken up by similar disinterested and well disposed interference. It is the common pretense. But I take leave of the subject.

THE CONSTITUTION NOT A COMPACT.

REPLY TO CALHOUN.

SPEECH IN THE SENATE OF THE UNITED STATES, ON THE BILL "FURTHER TO PROVIDE FOR THE COLLECTION OF DUTIES ON IMPORTS," ON THE 16TH DAY OF FEBRUARY, 1833.

The gentleman from South Carolina has admonished us to be mindful of the opinions of those who shall come after us. We must take our chance, sir, as to the light in which posterity will regard us. I do not decline its judgment, nor withhold myself from its scrutiny. Feeling that I am performing my public duty with singleness of heart and to the best of my ability, I fearlessly trust myself to the country, now and hereafter, and leave both my motives and my character to its decision.

The gentleman has terminated his speech in a tone of threat and defiance toward this bill, even should it become a law of the land, altogether unusual in the halls of congress. But I shall not suffer myself to be excited into warmth by this denunciation of the measure which I support. Among the feelings which at this moment fill my breast, not the least is that of regret at the position in which the gentleman has placed himself. Sir, he does himself no justice. The cause which he has espoused finds no basis in the constitution, no succor from public sympathy, no cheering from a patriotic community. He has no foothold on which to stand while he might display the powers of his acknowledged talents. Everything beneath his feet is hollow and treacherous. He is like a strong man struggling in a morass: every effort to extricate himself only sinks him deeper and deeper. And I fear the resemblance may be carried still further; I fear that no friend can safely come to his

relief, that no one can approach near enough to hold out a helping hand, without danger of going down himself, also, into the bottomless depths of this Serbonian bog.

The honorable gentleman has declared, that on the decision of the question now in debate may depend the cause of liberty itself. I am of the same opinion; but then, sir, the liberty which I think is staked on the contest is not political liberty, in any general and undefined character, but our own well-understood and long-enjoyed American liberty.

Sir, I love liberty no less ardently than the gentleman, in whatever form she may have appeared in the progress of human history. As exhibited in the master states of antiquity, as breaking out again from amidst the darkness of the middle ages, and beaming on the formation of new communities in modern Europe, she has, always and everywhere, charms for me. Yet, sir, it is our own liberty, guarded by constitutions and secured by union, it is that liberty which is our paternal inheritance, it is our established, dear-bought, peculiar American liberty to which I am chiefly devoted, and the cause of which I now mean, to the utmost of my power, to maintain and defend.

Mr. President, if I considered the constitutional question now before us as doubtful as it is important, and if I supposed that its decision, either in the senate or by the country, was likely to be in any degree influenced by the manner in which I might now discuss it, this would be to me a moment of deep solicitude. Such a moment has once existed. There has been a time, when, rising in this place, on the same question, I felt, I must confess, that something for good or evil to the constitution of the country might depend on an effort of mine. But circumstances are changed. Since that day, sir, the public opinion has become awakened to this great question; it has grasped it; it has reasoned upon it, as becomes an intelligent and patriotic community, and has settled it, or now seems in the pro

gress of settling it, by an authority which none can disobey—the authority of the people themselves.

I shall not, Mr. President, follow the gentleman, step by step, through the course of his speech. Much of what he has said he has deemed necessary to the just explanation and defense of his own political character and conduct. On this I shall offer no comment. Much, too, has consisted of philosophical remark upon the general nature of political liberty, and the history of free institutions; and upon other topics, so general in their nature as to possess, in my opinion, only a remote bearing on the immediate subject of the debate.

But the gentleman's speech made some days ago, upon introducing his resolutions, those resolutions themselves, and parts of the speech now just concluded, may, probably, be justly regarded as comprising the whole South Carolina doctrine. That doctrine it is my purpose now to examine, and to compare it with the constitution of the United States. I shall not consent, sir, to make any new constitution, or to establish another form of government. I will not undertake to say what a constitution for these United States ought to be. That question the people have decided for themselves; and I shall take the instrument as they have established it, and shall endeavor to maintain it, in its plain sense and meaning, against opinions and notions which, in my judgment, threaten its subversion.

The resolutions introduced by the gentleman were apparently drawn up with care, and brought forward on deliberation. I shall not be in danger, therefore, of misunderstanding him, or those who agree with him, if I proceed at once to these resolutions, and consider them as an authentic statement of those opinions upon the great constitutional question, by which the recent proceedings in South Carolina are attempted to be justified.

These resolutions are three in number.

The third seems intended to enumerate, and to deny, the

several opinions expressed in the president's proclamation, respecting the nature and powers of this government. Of this third resolution, I purpose, at present, to take no particular notice.

The first two resolutions of the honorable member affirm these propositions, viz.:

1. That the political system under which we live, and under which congress is now assembled, is a compact, to which the people of the several states, as separate and sovereign communities, are the parties.

2. That these sovereign parties have a right to judge, each for itself, of any alleged violation of the constitution by congress; and, in case of such violation, to choose, each for itself, its own mode and measure of redress.

It is true, sir, that the honorable member calls this a "constitutional" compact; but still he affirms it to be a compact between sovereign states. What precise meaning, then, does he attach to the term constitutional? When applied to compacts between sovereign states, the term constitutional affixes to that word compact no definite idea. Were we to hear of a constitutional league or treaty between England and France, or a constitutional convention between Austria and Russia, we should not understand what could be intended by such a league, such a treaty, or such a convention. In these connections, the word is void of all meaning; and yet, sir, it is easy, quite easy, to see why the honorable gentleman has used it in these resolutions. He cannot open the book, and look upon our written frame of government, without seeing that it is called a constitution. This may well be appalling to him. It threatens his whole doctrine of compact, and its darling derivations, nullification and secession, with instant confutation. Because, if he admits our instrument of government to be a constitution, then, for that very reason, it is not a compact between sovereigns; a constitution of government and a compact between sovereign

powers being things essentially unlike in their very natures, and incapable of ever being the same. Yet the word "constitution" is on the very front of the instrument. He cannot overlook it. He seeks, therefore, to compromise the matter, and to sink all the substantial sense of the word, while he retains a resemblance of its sound. He introduces a new word of his own, viz., "*compact*," as importing the principal idea, and designed to play the principal part, and degrades "constitution" into an insignificant, idle epithet, attached to "compact." The whole then stands as a "constitutional compact!" And in this way he hopes to pass off a plausible gloss, as satisfying the words of the intrument. But he will find himself disappointed. Sir, I must say to the honorable gentleman, that, in our American political grammar, *constitution* is a noun substantive; it imports a distinct and clear idea of itself; and it is not to lose its importance and dignity, it is not to be turned into a poor, ambiguous, senseless, unmeaning adjective, for the purpose of accommodating any new set of political notions. Sir, we reject his new rules of syntax altogether. We will not give up our forms of political speech to the grammarians of the school of nullification. By the constitution, we mean, not a "constitutional compact," but, simply and directly, the constitution, the fundamental law; and if there be one word in the language which the people of the United States understand, it is that word. We know no more of a constitutional compact between sovereign powers, than we know of a constitutional indenture of copartnership, a constitutional deed of conveyance, or a constitutional bill of exchange. But we know what the CONSTITUTION is; we know what the plainly written, fundamental law is; we know what the bond of our union and the security of our liberties is; and we mean to maintain and to defend it, in its plain sense and unsophisticated meaning.

The sense of the gentleman's proposition, therefore, is not at all affected, one way or the other, by the use of this word.

That proposition still is, that our system of government is but a compact between the people of separate and sovereign states.

Was it Mirabeau, Mr. President, or what other master of the human passions, who has told us that words are things? They are indeed things, and things of mighty influence, not only in addresses to the passions and high-wrought feelings of mankind, but in the discussion of legal and political questions also; because a just conclusion is often avoided, or a false one reached, by the adroit substitution of one phrase, or one word for another. Of this we have, I think, another example in the resolutions before us.

The first resolution declares that the people of the several states "acceded" to the constitution, or to the constitutional compact, as it is called. This word "accede," not found either in the constitution itself, or in the ratification of it by any one of the states, has been chosen for us here, doubtless, not without a well-considered purpose.

The natural converse of ACCESSION is SECESSION; and, therefore, when it is stated that the people of the states acceded to the Union, it may be more plausibly argued that they may secede from it. If, in adopting the constitution, nothing was done but acceding to a compact, nothing would seem necessary, in order to break it up, but to secede from the same compact. But the term is wholly out of place. Accession, as a word applied to political associations, implies coming into a league, treaty, or confederacy, by one hitherto a stranger to it; and secession implies departing from such league or confederacy. The people of the United States have used no such form of expression in establishing the present government. They do not say that they ACCEDE to a league, but they declare that they ORDAIN and ESTABLISH a constitution. Such are the very words of the instrument itself; and in all the states, without an exception, the language used by their conventions was, that they

"ratified the constitution;" some of them employing the additional words "assented to" and "adopted," but all of them "ratifying." There is more importance than may, at first sight, appear, in the introduction of this new word by the honorable mover of these resolutions. Its adoption and use are indispensable to maintain those premises, from which his main conclusion is to be afterward drawn. But before showing that, allow me to remark, that this phraseology tends to keep out of sight the just view of a previous political history, as well as to suggest wrong ideas as to what was actually done when the present constitution was agreed to.

In 1789, and before this constitution was adopted, the United States had already been in a union, more or less close, for fifteen years. At least as far back as the meeting of the first congress, in 1774, they had been in some measure, and to some national purposes, united together. Before the confederation of 1781, they had declared independence jointly, and had carried on the war jointly, both by sea and land; and this not as separate states, but as one people. When, therefore, they formed that confederation, and adopted its articles as articles of perpetual union, they did not come together for the first time; and therefore they did not speak of the states as "acceding" to the confederation, although it was a league, and nothing but a league, and rested on nothing but plighted faith for its performance. Yet, even then, the states were not strangers to each other; there was a bond of union already subsisting between them; they were associated, united states; and the object of the confederation was to make a stronger and better bond of union. Their representatives deliberated together on these proposed articles of confederation, and, being authorized by their respective states, finally "ratified and confirmed" them. Inasmuch as they were already in union, they did not speak of acceding to the new articles of confederation, but of ratifying and confirming them; and this language was not used

inadvertently, because, in the same instrument, accession is used in its proper sense, when applied to Canada, which was altogether a stranger to the existing union. "Canada," says the eleventh article, "on acceding to this confederation, and joining in the measures of the United States, shall be admitted into the Union."

Having thus used the terms *ratify* and *confirm*, even in regard to the old confederation, it would have been strange indeed, if the people of the United States, after its formation, and when they came to establish the present constitution, had spoken of the states, or the people of the states, as acceding to this constitution. Such language would have been ill suited to the occasion. It would have implied an existing separation or disunion among the states, such as never has existed since 1774. No such language, therefore, was used. The language actually employed is, "adopt, ratify, ordain, establish."

Therefore, sir, since any state, before she can prove her right to dissolve the Union, must show her authority to undo what has been done, no state is at liberty to secede, on the ground that she and other states have done nothing but accede. She must show that she has a right to reverse what has been ordained, to unsettle and overthrow what has been established, to reject what the people have adopted, and to break up what they have ratified; because these are the terms which express the transactions which have actually taken place. In other words, she must show her right to make a revolution.

If, Mr. President, in drawing these resolutions, the honorable member had confined himself to the use of constitutional language, there would have been a wide and awful *hiatus* between his premises and his conclusions. Leaving out the words "compact" and "accession," which are not constitutional modes of expression, and stating the matter precisely as the truth is, his first resolution would have affirmed that "the people of the

several states ratified this constitution, or form of government." These are the very words of South Carolina herself, in her own act of ratification. Let, then, his first resolution tell the exact truth; let it state the fact precisely as it exists; let it say that the people of the several states ratified a constitution, or form of government; and then, sir, what will become of his inference in his second resolution, which is in these words, viz., "that, as in all other cases of compact among sovereign parties, each has an equal right to judge for itself, as well of the infraction as of the mode and measure of redress?" It is obvious, is it not, sir? that this conclusion requires for its support quite other premises; it requires premises which speak of "accession" and of "compact" between sovereign powers; and, without such premises, it is altogether unmeaning.

Mr. President, if the honorable member will truly state what the people did in forming this constitution, and then state what they must do if they would now undo what they then did, he will unavoidably state a case of revolution. Let us see if it be not so. He must state, in the first place, that the people of the several states adopted and ratified this constitution, or form of government; and, in the next place, he must state that they have a right to undo this; that is to say, that they have a right to discard the form of government which they have adopted, and to break up the constitution which they have ratified. Now, sir, this is neither more nor less than saying that they have a right to make a revolution. To reject an established government, to break up a political constitution, is revolution.

I deny that any man can state accurately what was done by the people, in establishing the present constitution, and then state accurately what the people, or any part of them, must now do to get rid of its obligations, without stating an undeniable case of the overthrow of government. I admit, of course, that the people may, if they choose, overthrow the government. But, then, that is revolution. The doctrine now con-

tended for is, that, by nullification or secession, the obligations and authority of the government may be set aside or rejected, without revolution. But that is what I deny; and what I say is, that no man can state the case with historical accuracy, and in constitutional language, without showing that the honorable gentleman's right, as asserted in his conclusion, is a revolutionary right merely; that it does not and cannot exist under the constitution, or agreeably to the constitution, but can come into existence only when the constitution is overthrown. This is the reason, sir, which makes it necessary to abandon the use of constitutional language for a new vocabulary, and to substitute, in the place of plain historical facts, a series of assumptions. This is the reason why it is necessary to give new names to things, to speak of the constitution, not as a constitution, but as a compact, and of the ratifications by the people, not as ratifications, but as acts of accession.

Sir, I intend to hold the gentleman to the written record. In the discussion of a constitutional question, I intend to impose upon him the restraints of constitutional language. The people have ordained a constitution; can they reject it without revolution? They have established a form of government; can they overthrow it without revolution? These are the true questions.

Allow me now, Mr. President, to inquire further into the extent of the propositions contained in the resolutions, and their necessary consequences.

Where sovereign communities are parties, there is no essential difference between a compact, a confederation, and a league. They all equally rest on the plighted faith of the sovereign party. A league, or confederacy, is but a subsisting or continuing treaty.

The gentleman's resolutions, then, affirm, in effect, that these twenty-four United States are held together only by a subsisting treaty, resting for its fulfillment and continuance on no in-

herent power of its own, but on the plighted faith of each state; or, in other words, that our Union is but a league; and, as a consequence from this proposition, they further affirm that, as sovereigns are subject to no superior power, the states must decide, each for itself, of any alleged violation of the league; and if such violation be supposed to have occurred, each may adopt any mode or measure of redress which it shall think proper.

Other consequences naturally follow, too, from the main proposition. If a league between sovereign powers have no limitation as to the time of its duration, and contain nothing making it perpetual, it subsists only during the good pleasure of the parties, although no violation be complained of. If, in the opinion of either party, it be violated, such party may say that he will no longer fulfill its obligations on his part, but will consider the whole league or compact at an end, although it might be one of its stipulations that it should be perpetual. Upon this principle, the congress of the United States, in 1798, declared null and void the treaty of alliance between the United States and France, though it professed to be a perpetual alliance.

If the violation of the league be accompanied with serious injuries, the suffering party, being sole judge of his own mode and measure of redress, has a right to indemnify himself by reprisals on the offending members of the league; and reprisals, if the circumstances of the case require it, may be followed by direct, avowed, and public war.

The necessary import of the resolutions, therefore, is, that the United States are connected only by a league; that it is in the good pleasure of every state to decide how long she will choose to remain a member of this league; that any state may determine the extent of her own obligations under it, and accept or reject what shall be decided by the whole; that she may also determine whether her rights have been violated, what is the extent of the injury done her, and what mode and measure of

redress her wrongs may make it fit and expedient for her to adopt. The result of the whole is, that any state may secede at pleasure; that any state may resist a law which she herself may choose to say exceeds the power of congress; and that, as a sovereign power, she may redress her own grievances, by her own arm, at her own discretion. She may make reprisals; she may cruise against the property of other members of the league; she may authorize captures, and make open war.

If, sir, this be our political condition, it is time the people of the United States understood it. Let us look for a moment to the practical consequences of these opinions. One state, holding an embargo law unconstitutional, may declare her opinion, and withdraw from the Union. She secedes. Another, forming and expressing the same judgment on a law laying duties on imports, may withdraw also. She secedes. And as, in her opinion, money has been taken out of the pockets of her citizens illegally, under pretence of this law, and as she has power to redress their wrongs, she may demand satisfaction; and if refused, she may take it with a strong hand. The gentleman has himself pronounced the collection of duties, under existing laws, to be nothing but robbery. Robbers, of course, may be rightfully dispossessed of the fruits of their flagitious crimes; and, therefore, reprisals, impositions on the commerce of other states, foreign alliances against them, or open war, are all modes of redress justly open to the discretion and choice of South Carolina; for she is to judge of her own rights, and to seek satisfaction for her own wrongs, in her own way.

But, sir, a third state is of opinion, not only that these laws of imposts are constitutional, but that it is the absolute duty of congress to pass and to maintain such laws; and that, by omitting to pass and maintain them, its constitutional obligations would be grossly disregarded. She relinquished the power of protection, she might allege, and allege truly, herself, and gave it up to

congress, on the faith that congress would exercise it. If congress now refuse to exercise it, congress does, as she may insist, break the condition of the grant, and thus manifestly violate the constitution; and for this violation of the constitution, she may threaten to secede also. Virginia may secede, and hold the fortresses in the Chesapeake. The western states may secede, and take to their own use the public lands. Louisiana may secede, if she choose, from a foreign alliance, and hold the mouth of the Mississippi. If one state may secede, ten may do so, twenty may do so, twenty-three may do so. Sir, as these secessions go on, one after another, what is to constitute the United States? Whose will be the army? Whose the navy? Who will pay the debts? Who will fulfill the public treaties? Who perform the constitutional guaranties? Who govern this district and the territories? Who retain the public property?

Mr. President, every man must see that these are all questions which can arise only after a revolution. They presuppose the breaking up of the government. While the constitution lasts, they are repressed: they spring up to annoy and startle us only from its grave.

The constitution does not provide for events which must be preceded by its own destruction. *Secession*, therefore, since it must bring these consequences with it, is *revolutionary*. And *nullification* is equally *revolutionary*. What is revolution? Why, sir, that is revolution which overturns, or controls, or successfully resists, the existing public authority; that which arrests the exercise of the supreme power; that which introduces a new paramount authority into the rule of the state. Now, sir, this is the precise object of nullification. It attempts to supersede the supreme legislative authority. It arrests the arm of the executive magistrate. It interrupts the exercise of the accustomed judicial power. Under the name of an ordinance, it declares null and void, within the state, all the revenue laws

of the United States. Is not this revolutionary? Sir, so soon as this ordinance shall be carried into effect, a revolution will have commenced in South Carolina. She will have thrown off the authority to which her citizens have heretofore been subject. She will have declared her own opinions and her own will to be above the laws and above the power of those who are intrusted with their administration. If she makes good these declarations, she is revolutionized. As to her, it is as distinctly a change of the supreme power, as the American revolution of 1776. That revolution did not subvert government in all its forms. It did not subvert local laws, and municipal administrations. It only threw off the dominion of a power claiming to be superior, and to have a right, in many important respects, to exercise legislative authority. Thinking this authority to have been usurped or abused, the American colonies, now the United States, bade it defiance, and freed themselves from it by means of a revolution. But that revolution left them with their own municipal laws still, and the forms of local government. If Carolina now shall effectually resist the laws of congress; if she shall be her own judge, take her remedy into her own hands, obey the laws of the Union when she pleases and disobey them when she pleases, she will relieve herself from a paramount power as distinctly as did the American colonies in 1776. In other words, she will achieve, as to herself, a revolution.

But, sir, while practical nullification in South Carolina would be, as to herself, actual and distinct revolution, its necessary tendency must also be to spread revolution, and to break up the constitution, as to all the other states. It strikes a deadly blow at the vital principle of the whole Union. To allow state resistance to the laws of congress to be rightful and proper, to admit nullification in some states, and yet not expect to see a dismemberment of the entire government, appears to me the wildest illusion, and the most extravagant folly. The gentleman seems not conscious of the direction or the rapidity of his

own course. The current of his opinions sweeps him along, he knows not whither. To begin with nullification, with the avowed intent, nevertheless, not to proceed to secession, dismemberment, and general revolution, is as if one were to take the plunge of Niagara, and cry out that he would stop half way down. In the one case, as in the other, the rash adventurer must go to the bottom of the dark abyss below, were it not that that abyss has no discovered bottom.

Nullification, if successful, arrests the power of the law, absolves citizens from their duty, subverts the foundation both of protection and obedience, dispenses with oaths and obligations of allegiance, and elevates another authority to supreme command. Is not this revolution? And it raises to supreme command four-and-twenty distinct powers, each professing to be under a general government, and yet each setting its laws at defiance at pleasure. Is not this anarchy, as well as revolution? Sir, the constitution of the United States was received as a whole, and for the whole country. If it cannot stand altogether, it cannot stand in parts; and if the laws cannot be executed everywhere, they cannot long be executed anywhere. The gentleman very well knows that all duties and imposts must be uniform throughout the country. He knows that we cannot have one rule or one law for South Carolina, and another for other states. He must see, therefore, and does see, every man sees, that the only alternative is a repeal of the laws throughout the whole Union, or their execution in Carolina as well as elsewhere. And this repeal is demanded because a single state interposes her veto, and threatens resistance! The result of the gentleman's opinions, or rather the very text of his doctrine, is, that no act of congress can bind all the states, the constitutionality of which is not admitted by all; or, in other words, that no single state is bound, against its own dissent, by a law of imposts. This was precisely the evil experienced under the old confederation, and for remedy of which this constitution was

adopted. The leading object in establishing this government, an object forced on the country by the condition of the times and the absolute necessity of the law, was to give to congress power to lay and collect imposts without the consent of particular states. The revolutionary debt remained unpaid; the national treasury was bankrupt; the country was destitute of credit; congress issued its requisitions on the states, and the states neglected them; there was no power of coercion but war; congress could not lay imposts. or other taxes, by its own authority; the whole general government, therefore, was little more than a name. The articles of confederation, as to purposes of revenue and finance, were nearly a dead letter. The country sought to escape from this condition, at once feeble and disgraceful, by constituting a government which should have power, of itself, to lay duties and taxes, and to pay the public debt, and provide for the general welfare; and to lay these duties and taxes in all the states, without asking the consent of the state governments. This was the very power on which the new constitution was to depend for all its ability to do good; and without it, it can be no government, now or at any time. Yet, sir, it is precisely against this power, so absolutely indispensable to the very being of the government, that South Carolina directs her ordinance. She attacks the government in its authority to raise revenue, the very main-spring of the whole system; and if she succeed, every movement of that system must inevitably cease. It is of no avail that she declares that she does not resist the law as a revenue law, but as a law for protecting manufactures. It is a revenue law; it is the very law by force of which the revenue is collected; if it be arrested in any state, the revenue ceases in that state; it is, in a word, the sole reliance of the government for the means of maintaining itself and performing its duties.

Mr. President, the alleged right of a state to decide constitutional questions for herself, necessarily leads to force, because

other states must have the same right, and because different states will decide differently; and when these questions arise between states, if there be no superior power, they can be decided only by the law of force. On entering into the Union, the people of each state gave up a part of their own power to make laws for themselves, in consideration that, as to common objects, they should have a part in making laws for other states. In other words, the people of all the states agreed to create a common government, to be conducted by common counsels. Pennsylvania, for example, yielded the right of laying imposts in her own ports, in consideration that the new government, in which she was to have a share, should possess the power of laying imposts in all the states. If South Carolina now refuses to submit to this power, she breaks the condition on which other states entered into the Union. She partakes of the common counsels, and therein assists to bind others, while she refuses to be bound herself. It makes no difference in the case, whether she does all this without reason or pretext, or whether she sets up as a reason, that, in her judgment, the acts complained of are unconstitutional. In the judgment of other states, they are not so. It is nothing to them that she offers some reason or some apology for her conduct, if it be one which they do not admit. It is not to be expected that any state will violate her duty without some plausible pretext. That would be too rash a defiance of the opinion of mankind. But if it be a pretext which lies in her own breast; if it be no more than an opinion which she says she has formed, how can other states be satisfied with this? How can they allow her to be judge of her own obligations? Or, if she may judge of her obligations, may they not judge of their rights also? May not the twenty-three entertain an opinion as well as the twenty-fourth? And if it be their right, in their own opinion, as expressed in the common council, to enforce the law against her, how is she to

say that her right and her opinion are to be everything, and their right and their opinion nothing?

Mr. President, if we are to receive the constitution as the text, and then to lay down in its margin the contradictory commentaries which have been, and which may be, made by different states, the whole page would be a polyglot indeed. It would speak with as many tongues as the builders of Babel, and in dialects as much confused, and mutually as unintelligible. The very instance now before us presents a practical illustration. The law of the last session is declared unconstitutional in South Carolina, and obedience to it is refused. In other states, it is admitted to be strictly constitutional. You walk over the limits of its authority, therefore, when you pass a state line. On one side it is law, on the other side a nullity; and yet it is passed by a common government, having the same authority in all the states.

Such are the inevitable results of this doctrine. Beginning with the original error, that the constitution of the United States is nothing but a compact between sovereign states; asserting, in the next step, that each state has a right to be its own sole judge of the extent of its own obligations, and consequently of the constitutionality of laws of congress; and, in the next, that it may oppose whatever it sees fit to declare unconstitutional, and that it decides for itself on the mode and measure of redress,—the argument arrives at once at the conclusion, that what a state dissents from, it may nullify; what it opposes, it may oppose by force; what it decides for itself, it may execute by its own power; and that, in short, it is itself supreme over the legislation of congress, and supreme over the decisions of the national judicature; supreme over the constitution of the country, supreme over the supreme law of the land. However it seeks to protect itself against these plain inferences, by saying that an unconstitutional law is no law, and that it only opposes such laws as are unconstitutional, yet this does

not in the slightest degree vary the result; since it insists on deciding this question for itself; and, in opposition to reason and argument, in opposition to practice and experience, in opposition to the judgment of others, having an equal right to judge, it says, only, "Such is my opinion, and my opinion shall be my law, and I will support it by my own strong hand. I denounce the law; I declare it unconstitutional; that is enough; it shall not be executed. Men in arms are ready to resist its execution. An attempt to enforce it shall cover the land with blood. Elsewhere it may be binding; but here it is trampled under foot."

This, sir, is practical nullification.

And now, sir, against all these theories and opinions, I maintain: —

1. That the constitution of the United States is not a league, confederacy, or compact between the people of the several states in their sovereign capacities; but a government proper, founded on the adoption of the people, and creating direct relations between itself and individuals.

2. That no state authority has power to dissolve these relations; that nothing can dissolve them but revolution; and that, consequently, there can be no such thing as secession without revolution.

3. That there is a supreme law, consisting of the constitution of the United States, acts of congress passed in pursuance of it, and treaties; and that, in cases not capable of assuming the character of a suit in law or equity, congress must judge of, and finally interpret, this supreme law so often as it has occasion to pass acts of legislation; and in cases capable of assuming, and actually assuming, the character of a suit, the supreme court of the United States is the final interpreter.

4. That an attempt by a state to abrogate, annul, or nullify an act of congress, or to arrest its operation within her limits, on the ground that, in her opinion, such law is unconstitutional,

is a direct usurpation on the just powers of the general government, and on the equal rights of other states; a plain violation of the constitution, and a proceeding essentially revolutionary in its character and tendency.

Whether the constitution be a compact between states in their sovereign capacities, is a question which must be mainly argued from what is contained in the instrument itself. We all agree that it is an instrument which has been in some way clothed with power. We all admit that it speaks with authority. The first question then is, What does it say of itself? What does it purport to be? Does it style itself a league, confederacy, or compact between sovereign states? It is to be remembered, sir, that the constitution began to speak only after its adoption. Until it was ratified by nine states, it was but a proposal, the mere draught of an instrument. It was like a deed drawn, but not executed. The convention had framed it; sent it to congress, then sitting under the confederation; congress had transmitted it to the state legislatures; and by these last it was laid before conventions of the people in the several states. All this while it was inoperative paper. It had received no stamp of authority, no sanction; it spoke no language. But when ratified by the people in their respective conventions, then it had a voice, and spoke authentically. Every word in it had then received the sanction of the popular will, and was to be received as the expression of that will. What the constitution says of itself, therefore, is as conclusive as what it says on any other point. Does it call itself a *compact?* Certainly not. It uses the word "compact" but once, and that is when it declares that the states shall enter into no compact. Does it call itself a *league*, a *confederacy*, a *subsisting treaty between the states?* Certainly not. There is not a particle of such language in all its pages. But it declares itself a *constitution.* What is a constitution? Certainly not a league, compact, or confederacy, but a fundamental law. That fundamental regu-

lation which determines the manner in which the public authority is to be executed, is what forms the constitution of a state. Those primary rules which concern the body itself, and the very being of the political society, the form of government, and the manner in which power is to be exercised — all, in a word, which form together the constitution of a state—these are the fundamental laws. This, sir, is the language of the public writers. But do we need to be informed, in this country, what a constitution is? Is it not an idea perfectly familiar, definite, and well settled? We are at no loss to understand what is meant by the constitution of one of the states; and the constitution of the United States speaks of itself as being an instrument of the same nature. It says, this constitution shall be the law of the land, anything in any state constitution to the contrary notwithstanding. And it speaks of itself, too, in plain contradistinction from a confederation; for it says that all debts contracted, and all engagements entered into, by the United States, shall be as valid under this constitution as under the confederation. It does not say, as valid under this compact, or this league, or this confederation, as under the former confederation, but as valid under this constitution.

This, then, sir, is declared to be a constitution. A constitution is the fundamental law of the state; and this is expressly declared to be the supreme law. It is as if the people had said, "We prescribe this fundamental law," or "this supreme law," for they do say that they establish this constitution, and that it shall be the supreme law. They say that they ordain and establish it. Now, sir, what is the common application of these words? We do not speak of ordaining leagues and compacts. If this was intended to be a compact or league, and the states to be parties to it, why was it not so said? Why is there found no one expression in the whole instrument indicating such intent? The old confederation was expressly called a league; and into this league it was declared that the states, as states,

severally entered. Why was not similar language used in the constitution, if a similar intention had existed? Why was it not said, "the states enter into this new league," "the states form this new confederation," or "the states agree to this new compact?" Or why was it not said, in the language of the gentleman's resolution, that the people of the several states acceded to this compact in their sovereign capacities? What reason is there for supposing that the framers of the constitution rejected expressions appropriate to their own meaning, and adopted others wholly at war with that meaning?

Again, sir, the constitution speaks of that political system which it established as "the government of the United States." Is it not doing strange violence to language to call a league or a compact between sovereign powers a government? The government of a state is that organization in which the political power resides. It is the political being created by the constitution or fundamental law. The broad and clear difference between a government and a league or compact is, that a government is a body politic; it has a will of its own; and it possesses powers and faculties to execute its own purposes. Every compact looks to some power to enforce its stipulations. Even in a compact between sovereign communities, there always exists this ultimate reference to a power to insure its execution; although, in such case, this power is but the force of one party against the force of another; that is to say, the power of war. But a government executes its decisions by its own supreme authority. Its use of force in compelling obedience to its own enactments is not war. It contemplates no opposing party having a right of resistance. It rests on its own power to enforce its own will; and when it ceases to possess this power, it is no longer a government.

Mr. President, I concur so generally in the very able speech of the gentleman from Virginia, near me, (Mr. Rives,) that it is not without diffidence and regret that I venture to differ with

him on any point. His opinionions, sir, are redolent of the doctrines of a very distinguished school, for which I have the highest regard, of whose doctrines I can say, what I can also say of the gentleman's speech, that, while I concur in the results, I must be permitted to hesitate about some of the premises. I do not agree that the constitution is a compact between the states in their sovereign capacities. I do not agree, that, in strictness of language, it is a compact at all. But I do agree that it is founded on consent or agreement, or on compact, if the gentleman prefers that word, and means no more by it than voluntary consent or agreement. The constitution, sir, is not a contract, but the result of a contract; meaning by contract no more than assent. Founded on consent, it is a government proper. Adopted by the agreement of the people of the United States, when adopted, it has become a constitution. The people have agreed to make a constitution; but when made, that constitution becomes what its name imports. It is no longer a mere agreement. Our laws, sir, have their foundation in the agreement or consent of the two houses of congress. We say, habitually, that one house proposes a bill, and the other agrees to it; but the result of this agreement is not a compact, but a law. The law, the statute, is not the agreement, but something created by the agreement; and something which, when created, has a new character, and acts by its own authority. So the constitution of the United States, founded in or on consent of the people, may be said to rest on compact or consent; but it is itself not the compact, but its result. When a people agree to erect a government, and actually erect it, the thing is done, and the agreement is at an end. The compact is executed, and the end designed by it attained. Henceforth, the fruit of the agreement exists, but the agreement itself is merged in its own accomplishment; since there can be no longer a subsisting agreement or compact to form a

constitution or government, after that constitution or government has been actually formed and established.

It appears to me, Mr. President, that the plainest account of the establishment of this government presents the most just and philosophical view of its foundation. The people of the several states had their separate state governments; and between the states there also existed a confederation. With this condition of things the people were not satisfied, as the confederation had been found not to fulfill its intended object. It was proposed, therefore, to erect a new, common government, which should possess certain definite powers, such as regarded the prosperity of the people of all the states, and to be formed upon the general model of American constitutions. This proposal was assented to, and an instrument was presented to the people of the several states for their consideration. They approved it, and agreed to adopt it, as a constitution. They executed that agreement; they adopted the constitution as a constitution, and henceforth it must stand as a constitution until it shall be altogether destroyed. Now, sir, is not this the truth of the whole matter? And is not all that we have heard of compact between sovereign states the mere effect of a theoretical and artificial mode of reasoning upon the subject? a mode of reasoning which disregards plain facts for the sake of hypothesis?

Mr. President, the nature of sovereignty or sovereign power has been extensively discussed by gentlemen on this occasion, as it generally is when the origin of our government is debated. But I confess myself not entirely satisfied with arguments and illustrations drawn from that topic. The sovereignty of government is an idea belonging to the other side of the Atlantic. No such thing is known in North America. Our governments are all limited. In Europe, sovereignty is of feudal origin, and imports no more than the state of the sovereign. It comprises his rights, duties, exemptions, prerogatives, and powers. But

with us, all power is with the people. They alone are sovereign; and they erect what governments they please, and confer on them such powers as they please. None of these governments is sovereign, in the European sense of the word, all being restrained by written constitutions. It seems to me, therefore, that we only perplex ourselves when we attempt to explain the relations existing between the general government and the several state governments, according to those ideas of sovereignty which prevail under systems essentially different from our own.

But, sir, to return to the constitution itself; let me inquire what it relies upon for its own continuance and support. I hear it often suggested, that the states, by refusing to appoint senators and electors, might bring this government to an end. Perhaps that is true; but the same may be said of the state governments themselves. Suppose the legislature of a state, having the power to appoint the governor and the judges, should omit that duty, would not the state government remain unorganized? No doubt, all elective governments may be broken up by a general abandonment, on the part of those intrusted with political powers, of their appropriate duties. But one popular government has, in this respect, as much security as another. The maintenance of this constitution does not depend on the plighted faith of the states, as states, to support it; and this again shows that it is not a league. It relies on individual duty and obligation.

The constitution of the United States creates direct relations between this government and individuals. This government may punish individuals for treason, and all other crimes in the code, when committed against the United States. It has power, also, to tax individuals, in any mode, and to any extent; and it possesses the further power of demanding from individuals military service. Nothing, certainly, can more clearly distinguish a government from a confederation of states than the possession

of these powers. No closer relations can exist between individuals and any government.

On the other hand, the government owes high and solemn duties to every citizen of the country. It is bound to protect him in his most important rights and interests. It makes war for his protection, and no other government in the country can make war. It makes peace for his protection, and no other government can make peace. It maintains armies and navies for his defense and security, and no other government is allowed to maintain them. He goes abroad beneath its flag, and carries over all the earth a national character imparted to him by this government, and which no other government can impart. In whatever relates to war, to peace, to commerce, he knows no other government. All these, sir, are connections as dear and as sacred as can bind individuals to any government on earth. It is not, therefore, a compact between states, but a government proper, operating directly upon individuals, yielding to them protection on the one hand, and demanding from them obedience on the other.

There is no language in the whole constitution applicable to a confederation of states. If the states be parties, as states, what are their rights, and what their respective covenants and stipulations? And where are their rights, covenants, and stipulations expressed? The states engage for nothing, they promise nothing. In the articles of confederation, they did make promises, and did enter into engagements, and did plight the faith of each state for their fulfillment; but in the constitution there is nothing of that kind. The reason is, that, in the constitution, it is the *people* who speak, and not the states. The people ordain the constitution, and therein address themselves to the states, and to the legislatures of the states, in the language of injunction and prohibition. The constitution utters its behests in the name and by the authority of the people, and it exacts not from states any plighted public faith to main-

tain it. On the contrary, it makes its own preservation depend on individual duty and individual obligation. Sir, the states cannot omit to appoint senators and electors. It is not a matter resting in state discretion or state pleasure. The constitution has taken better care of its own preservation. It lays its hand on individual conscience and individual duty. It incapacitates any man to sit in the legislature of a state, who shall not first have taken his solemn oath to support the constitution of the United States. From the obligation of this oath, no state power can discharge him. All the members of all the state legislatures are as religiously bound to support the constitution of the United States as they are to support their own state constitution. Nay, sir, they are as solemnly sworn to support it as we ourselves are, who are members of congress.

No member of a state legislature can refuse to proceed, at the proper time, to elect senators to congress, or to provide for the choice of electors of president and vice-president, any more than the members of this body can refuse, when the appointed day arrives, to meet the members of the other house, to count the votes for those officers, and ascertain who are chosen. In both cases, the duty binds, and with equal strength, the conscience of the individual member, and it is imposed on all by an oath in the very same words. Let it then, never be said, sir, that it is a matter of discretion with the states whether they will continue the government, or break it up by refusing to appoint senators and elect electors. They have no discretion in the matter. The members of the legislatures cannot avoid doing either, so often as the time arrives, without a direct violation of their duty and their oaths; such a violation as would break up any other government.

Looking still further to the provisions of the constitution itself, in order to learn its true character, we find its great apparent purpose to be, to unite the people of all the states under

one general government, for certain definite objects, and, to the extent of this union, to restrain the separate authorities of the states. Congress only can declare war; therefore, when one state is at war with a foreign nation, all must be at war. The president and the senate only can make peace; when peace is made for one state, therefore, it must be made for all.

Can anything be conceived more preposterous, than that any state should have power to nullify the proceedings of the general government respecting peace and war? When war is declared by a law of congress, can a single state nullify that law, and remain at peace? And yet she may nullify that law as well as any other. If the president and senate make peace, may one state, nevertheless, continue the war? And yet, if she can nullify a law, she may quite as well nullify a treaty.

The truth is, Mr. President, and no ingenuity of argument, no subtilty of distinction can evade it, that, as to certain purposes, the people of the United States are one people. They are one in making war, and one in making peace; they are one in regulating commerce, and one in laying duties of impost. The very end and purpose of the constitution was, to make them one people in these particulars; and it has effectually accomplished its object. All this is apparent on the face of the constitution itself. I have already said, sir, that to obtain a power of direct legislation over the people, especially in regard to imposts, was always prominent as a reason for getting rid of the confederation, and forming a new constitution. Among the innumerable proofs of this, before the assembling of the convention, allow me to refer only to the report of the committee of the old congress, July, 1785.

But, sir, let us go to the actual formation of the constitution; let us open the journal of the convention itself, and we shall see that the very first resolution which the convention adopted, was, "*that a national government ought to be established,*

consisting of a supreme legislature, judiciary, and executive." This itself completely negatives all idea of league, and compact, and confederation. Terms could not be chosen more fit to express an intention to establish a national government, and to banish forever all notion of a compact between sovereign states.

This resolution was adopted on the 30th of May. Afterward, the style was altered, and, instead of being called a national government, it was called the government of the United States; but the substance of this resolution was retained, and was at the head of that list of resolutions which was afterward sent to the committee who were to frame the instrument.

It is true, there were gentlemen in the convention, who were for retaining the confederation, and amending its articles; but the majority was against this, and was for a national government. Mr. Patterson's propositions, which were for continuing the articles of confederation with additional powers, were submitted to the convention on the 15th of June, 1789, and referred to the committee of the whole. And the resolutions forming the basis of a national government, which had been once agreed to in the committee of the whole, and reported, were recommitted to the same committee, on the same day. The convention, then, in committee of the whole, on the 19th of June, had both these plans before them; that is to say, the plan of a confederacy, or compact, between states, and the plan of a national government. Both these plans were considered and debated, and the committee reported, "That they do not agree to the propositions offered by the honorable Mr. Patterson, but that they again submit the resolutions formerly reported." If, sir, any historical fact in the world be plain and undeniable, it is that the convention deliberated on the expediency of continuing the confederation, with some amendments, and rejected that scheme, and adopted the plan of a national government,

with a legislature, an executive, and a judiciary of its own. They were asked to preserve the league; they rejected the proposition. They were asked to continue the existing compact between states; they rejected it. They rejected compact, league, and confederation, and set themselves about framing the constitution of a national government; and they accomplished what they undertook.

If men will open their eyes fairly to the lights of history, it is impossible to be deceived on this point. The great object was to supersede the confederation, by a regular government; because, under the confederation, congress had power only to make requisitions on states; and if states declined compliance, as they did, there was no remedy but war against such delinquent states. It would seem, from Mr. Jefferson's correspondence, in 1786 and 1787, that he was of opinion that even this remedy ought to be tried. "There will be no money in the treasury," said he, "till the confederacy shows its teeth;" and he suggests that a single frigate would soon levy, on the commerce of a delinquent state, the deficiency of its contribution. But this would be war; and it was evident that a confederacy could not long hold together, which should be at war with its members. The constitution was adopted to avoid this necessity. It was adopted that there might be a government which should act directly on individuals, without borrowing aid from the state governments. This is clear as light itself on the very face of the provisions of the constitution, and its whole history tends to the same conclusion. Its framers gave this very reason for their work in the most distinct terms. Allow me to quote but one or two proofs, out of hundreds. That state, so small in territory, but so distinguished for learning and talent, Connecticut, had sent to the general convention, among other members, Samuel Johnson and Oliver Ellsworth. The constitution having been framed, it was submitted to a convention of the people of Connecticut for ratification on the part of that state;

and Mr. Johnson and Mr. Ellsworth were also members of this convention. On the first day of the debates, being called on to explain the reasons which led the convention at Philadelphia to recommend such a constitution, after showing the insufficiency of the existing confederacy, inasmuch as it applied to states, as states, Mr. Johnson proceeded to say:

"The convention saw this imperfection in attempting to legislate for states in their political capacity, that the coercion of law can be exercised by nothing but a military force. They have, therefore, gone upon entirely new ground. They have formed one new nation out of the individual states. The constitution vests in the general legislature a power to make laws in matters of national concern; to appoint judges to decide upon these laws; and to appoint officers to carry them into execution. This excludes the idea of an armed force. The power which is to enforce these laws is to be a legal power, vested in proper magistrates. The force which is to be employed is the energy of the law; and this force is to operate only upon individuals who fail in their duty to their country. This is the peculiar glory of the constitution, that it depends upon the mild and equal energy of the magistracy for the execution of the laws."

In the further course of the debate, Mr. Ellsworth said:

"In republics, it is a fundamental principle, that the majority govern, and that the minority comply with the general voice. How contrary, then, to republican principles, how humiliating, is our present situation! A single state can rise up, and put a *veto* upon the most important public measures. We have seen this actually take place; a single state has controlled the general voice of the Union; a minority, a very small minority, has governed us. So far is this from being consistent with republican principles, that it is, in effect, the worst species of monarchy.

"Hence we see how necessary for the Union is a coercive principle. No man pretends the contrary. We all see and feel this necessity. The only question is, Shall it be a coercion of law or a coercion of arms? There is no other possible alternative. Where will those who oppose a coercion of law come out? Where will they end? A necessary consequence of their principles is a war of

the states one against another. I am for coercion by law; that coercion which acts only upon delinquent individuals. This constitution does not attempt to coerce sovereign bodies, states, in their political capacity. No coercion is applicable to such bodies, but that of an armed force. If we should attempt to execute the laws of the Union by sending an armed force against a delinquent state, it would involve the good and bad, the innocent and guilty, in the same calamity. But this legal coercion singles out the guilty individual, and punishes him for breaking the laws of the Union."

Indeed, sir, if we look to all cotemporary history, to the writings of the Federalist, to the debates in the conventions, to the publications of friends and foes, they all agree that a change had been made from a confederacy of states to a different system; they all agree, that the convention had formed a constitution for a national government. With this result some were satisfied, and some were dissatisfied; but all admitted that the thing had been done. In none of these various productions and publications did any one intimate that the new constitution was but another compact between states in their sovereign capacities. I do not find such an opinion advanced in a single instance. Everywhere, the people were told that the old confederation was to be abandoned, and a new system to be tried; that a proper government was proposed, to be founded in the name of the people, and to have a regular organization of its own. Everywhere, the people were told that it was to be a government with direct powers to make laws over individuals, and to lay taxes and imposts without the consent of the states. Everywhere, it was understood to be a popular constitution. It came to the people for their adoption, and was to rest on the same deep foundation as the state constitutions themselves. Its most distinguished advocates, who had been themselves members of the convention, declared that the very object of submitting the constitution to the people was, to preclude the possibility of its being regarded as a mere compact. "However

gross a heresy," say the writers of the Federalist, "it may be to maintain that a party to a compact has a right to revoke that compact, the doctrine itself has had respectable advocates. The possibility of a question of this nature proves the necessity of laying the foundations of our national government deeper than in the mere sanction of delegated authority. The fabric of American empire ought to rest on the solid basis of *the consent of the people*."

Such is the language, sir, addressed to the people, while they yet had the constitution under consideration. The powers conferred on the new government were perfectly well understood to be conferred, not by any state, or the people of any state, but by the people of the United States. Virginia is more explicit, perhaps, in this particular, than any other state. Her convention, assembled to ratify the constitution, "in the name and behalf of the people of Virginia, declare and make known, that the powers granted under the constitution, being derived from the people of the United States, may be resumed by them whenever the same shall be perverted to their injury or oppression."

Is this language which describes the formation of a compact between states? or language describing the grant of powers to a new government, by the whole people of the United States?

Among all the other ratifications, there is not one which speaks of the constitution as a compact between states. Those of Massachusetts and New Hampshire express the transaction, in my opinion, with sufficient accuracy. They recognize the Divine goodness "in affording *the people of the United States* an opportunity of entering into an explicit and solemn compact with each other, BY ASSENTING TO AND RATIFYING A NEW CONSTITUTION." You will observe, sir, that it is the *people*, and not the states, who have entered into this compact; and it is the people of all the United States. These conventions, by this

form of expression, meant merely to say, that the people of the United States had, by the blessing of Providence, enjoyed the opportunity of establishing a new constitution, founded in the consent of the people. This consent of the people has been called, by European writers, the social compact; and, in conformity to this common mode of expression, these conventions speak of that assent, on which the new constitution was to rest, as an explicit and solemn compact, not which the states had entered into with each other, but which the people of the United States had entered into.

Finally, sir, how can any man get over the words of the constitution itself?—"*We, the people of the United States, do ordain and establish this constitution.*" These words must cease to be part of the constitution, they must be obliterated from the parchment on which they are written, before any human ingenuity or human argument can remove the popular basis on which that constitution rests, and turn the instrument into a mere compact between sovereign states.

The second proposition, sir, which I propose to maintain, is, that no state authority can dissolve the relations subsisting between the government of the United States and individuals; that nothing can dissolve these relations but revolution; and that, therefore, there can be no such thing as secession without revolution. All this follows, as it seems to me, as a just consequence, if it be first proved that the constitution of the United States is a government proper, owing protection to individuals, and entitled to their obedience.

The people, sir, in every state, live under two governments. They owe obedience to both. These governments, though distinct, are not adverse. Each has its separate sphere, and its peculiar powers and duties. It is not a contest between two sovereigns for the same power, like the wars of the rival houses in England; nor is it a dispute between a government *de facto* and a government *de jure*. It is the case of a division of pow-

ers between two governments, made by the people, to which both are responsible. Neither can dispense with the duty which individuals owe to the other; neither can call itself master of the other: the people are masters of both. This division of power, it is true, is in a great measure unknown in Europe. It is the peculiar system of America; and, though new and singular, it is not incomprehensible. The state constitutions are established by the people of the states. This constitution is established by the people of all the states. How, then, can a state secede? How can a state undo what the whole people have done? How can she absolve her citizens from their obedience to the laws of the United States? How can she annul their obligations and oaths? How can the members of her legislature renounce their own oaths? Sir, secession, as a revolutionary right, is intelligible; as a right to be proclaimed amidst civil commotions, and asserted at the head of armies, I can understand it. But as a practical right, existing under the constitution, and in conformity with its provisions, it seems to me to be nothing but a plain absurdity; for it supposes resistance to government, under the authority of government itself; it supposes dismemberment, without violating the principles of union; it supposes opposition to law, without crime; it supposes the violation of oaths, without responsibilty; it supposes the total overthrow of government, without revolution.

The constitution, sir, regards itself as perpetual and immortal. It seeks to establish a union among the people of the states, which shall last through all time. Or, if the common fate of things human must be expected at some period to happen to it, yet that catastrophe is not anticipated.

The instrument contains ample provisions for its amendment, at all times; none for its abandonment, at any time. It declares that new states may come into the Union, but it does not declare that old states may go out. The Union is not a temporary partnership of states. It is the association of the

people under a constitution of government, uniting their power, joining together their highest interests, cementing their present enjoyments, and blending in one indivisible mass, all their hopes for the future. Whatsoever is steadfast in just political principles; whatsoever is permanent in the structure of human society; whatsoever there is which can derive an enduring character from being founded on deep-laid principles of constitutional liberty and on the broad foundations of the public will—all these unite to entitle this instrument to be regarded as a permanent constitution of government.

In the next place, Mr. President, I contend that there is a supreme law of the land, consisting of the constitution, acts of congress passed in pursuance of it, and the public treaties. This will not be denied, because such are the very words of the constitution. But I contend, further, that it rightfully belongs to congress, and to the courts of the United States, to settle the construction of this supreme law, in doubtful cases. This is denied; and here arises the great practical question, WHO IS TO CONSTRUE FINALLY THE CONSTITUTION OF THE UNITED STATES? We all agree that the constitution is the supreme law; but who shall interpret that law? In our system of the division of powers between different governments, controversies will necessarily sometimes arise, respecting the extent of the powers of each. Who shall decide these controversies? Does it rest with the general government, in all or any of its departments, to exercise the office of final interpreter? Or may each of the states, as well as the general government, claim this right of ultimate decision? The practical result of this whole debate turns on this point. The gentleman contends that each state may judge for itself of any alleged violation of the constitution, and may finally decide for itself, and may execute its own decisions by its own power. All the recent proceedings in South Carolina are founded on this claim of right. Her convention has pronounced the revenue laws of the United States

unconstitutional; and this decision she does not allow any authority of the United States to overrule or reverse. Of course she rejects the authority of congress, because the very object of the ordinance is to reverse the decision of congress; and she rejects, too, the authority of the courts of the United States, because she expressly prohibits all appeal to those courts. It is in order to sustain this asserted right of being her own judge, that she pronounces the constitution of the United States to be but a compact, to which she is a party, and a sovereign party. If this be established, then the inference is supposed to follow, that, being sovereign, there is no power to control her decision; and her own judgment on her own compact is, and must be, conclusive.

I have already endeavored, sir, to point out the practical consequences of this doctrine, and to show how utterly inconsistent it is with all ideas of regular government, and how soon its adoption would involve the whole country in revolution and absolute anarchy. I hope it is easy now to show, sir, that a doctrine bringing such consequences with it is not well founded; that it has nothing to stand upon but theory and assumption; and that it is refuted by plain and express constitutional provisions. I think the government of the United States does possess, in its appropriate departments, the authority of final decision on questions of disputed power. I think it possesses this authority, both by necessary implication and by express grant.

It will not be denied, sir, that this authority naturally belongs to all governments. They all exercise it from necessity, and as a consequence of the exercise of other powers. The state governments themselves possess it, except in that class of questions which may arise between them and the general government, and in regard to which they have surrendered it, as well by the nature of the case as by clear constitutional provisions. In other and ordinary cases, whether a particular law be in

conformity to the constitution of the state is a question which the state legislature or the state judiciary must determine. We all know that these questions arise daily in the state governments, and are decided by those governments; and I know no government which does not exercise a similar power.

Upon general principles, then, the government of the United States possesses this authority; and this would hardly be denied were it not that there are other governments. But since there are state governments, and since these, like other governments, ordinarily construe their own powers, if the government of the United States construes its own powers also, which construction is to prevail in the case of opposite constructions? And again, as in the case now actually before us, the state governments may undertake, not only to construe their own powers, but to decide directly on the extent of the powers of congress. Congress has passed a law as being within its just powers; South Carolina denies that this law is within its just powers, and insists that she has the right so to decide this point, and that her decision is final. How are these questions to be settled?

In my opinion, sir, even if the constitution of the United States had made no express provision for such cases, it would yet be difficult to maintain, that, in a constitution existing over four-and-twenty states, with equal authority over all, one could claim a right of construing it for the whole. This would seem a manifest impropriety; indeed, an absurdity. If the constitution is a government existing over all the states, though with limited powers, it necessarily follows that, to the extent of those powers, it must be supreme. If it be not superior to the authority of a particular state, it is not a national government. But as it is a government, as it has a legislative power of its own, and a judicial power coëxtensive with the legislative, the inference is irresistible that this government, thus created *by* the whole and *for* the whole, must have an authority superior

to that of the particular government of any one part. Congress is the legislature of all the people of the United States; the judiciary of the general government is the judiciary of all the people of the United States. To hold, therefore, that this legislature and this judiciary are subordinate in authority to the legislature and judiciary of a single state, is doing violence to all common sense, and overturning all established principles. Congress must judge of the extent of its own powers so often as it is called on to exercise them, or it cannot act at all; and it must act also independent of state control, or it cannot act at all.

The right of state interposition strikes at the very foundation of the legislative power of congress. It possesses no effective legislative power, if such right of state interposition exists; because it can pass no law not subject to abrogation. It cannot make laws for the Union, if any part of the Union may pronounce its enactments void and of no effect. Its forms of legislation would be an idle ceremony, if, after all, any one of four-and-twenty states might bid defiance to its authority. Without express provision in the constitution, therefore, sir, this whole question is necessarily decided by those provisions which create a legislative power and a judicial power. If these exist in a government intended for the whole, the inevitable consequence is, that the laws of this legislative power and the decisions of this judicial power must be binding on and over the whole. No man can form the conception of a government existing over four-and-twenty states, with a regular legislative and judicial power, and of the existence at the same time of an authority, residing elsewhere, to resist, at pleasure or discretion, the enactments and the decisions of such a government. I maintain, therefore, sir, that, from the nature of the case, and as an inference wholly unavoidable, the acts of congress and the decisions of the national courts must be of higher authority than state

laws and state decisions. If this be not so, there is, there can be, no general government.

But, Mr. President, the constitution has not left this cardinal point without full and explicit provisions. First, as to the authority of congress. Having enumerated the specific powers conferred on congress, the constitution adds, as a distinct and substantive clause, the following, viz: "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof." If this means anything, it means that congress may judge of the true extent and just interpretation of the specific powers granted to it, and may judge also of what is necessary and proper for executing those powers. If congress is to judge of what is necessary for the execution of its powers, it must, of necessity, judge of the extent and interpretation of those powers.

And in regard, sir, to the judiciary, the constitution is still more express and emphatic. It declares that the judicial power shall extend to all cases in law or equity arising under the constitution, laws of the United States, and treaties; that there shall be one supreme court, and that this supreme court shall have appellate jurisdiction of all these cases, subject to such exceptions as congress may make. It is impossible to escape from the generality of these words. If a case arises under the constitution, that is, if a case arises depending on the construction of the constitution, the judicial power of the United States extends to it. It reaches THE CASE, THE QUESTION; it attaches the power of the national judicature to the case itself, in whatever court it may arise or exist; and in this case the supreme court has appellate jurisdiction over all courts whatever. No language could provide with more effect and precision than is here done, for subjecting constitutional questions to the ultimate decision of the supreme court. And, sir, this is exactly what the

convention found it necessary to provide for, and intended to provide for. It is, too, exactly what the people were universally told was done when they adopted the constitution. One of the first resolutions adopted by the convention, was in these words, viz: "that the jurisdiction of the national judiciary shall extend to cases which respect the collection of the national revenue, and questions which involve the national peace and harmony." Now, sir, this either had no sensible meaning at all, or else it meant that the jurisdiction of the national judiciary should extend to these questions, with a paramount authority. It is not to be supposed that the convention intended that the power of the national judiciary should extend to these questions, and that the judicatures of the states should also extend to them, with equal power of final decision. This would be to defeat the whole object of the provision. There were thirteen judicatures already in existence. The evil complained of, or the danger to be guarded against, was contradiction and repugnance in the decisions of these judicatures. If the framers of the constitution meant to create a fourteenth, and yet not to give it power to revise and control the decisions of the existing thirteen, then they only intended to augment the existing evil and the apprehended danger by increasing still further the chances of discordant judgments. Why, sir, has it become a settled axiom in politics that every government must have a judicial power coëxtensive with its legislative power? Certainly, there is only this reason, viz: that the laws may receive a uniform interpretation and a uniform execution. This object can be no otherwise attained. A statute is what it is judicially interpreted to be; and if it be construed one way in New Hampshire, and another way in Georgia, there is no uniform law. One supreme court, with appellate and final jurisdiction, is the natural and only adequate means, in any government, to secure this uniformity. The convention saw all this clearly; and the resolution which I have quoted, never afterwards rescinded, passed

through various modifications, till it finally received the form which the article now wears in the constitution. It is undeniably true, then, that the framers of the constitution intended to create a national judicial power, which should be paramount on national subjects. And after the constitution was framed, and while the whole country was engaged in discussing its merits, one of its most distinguished advocates, (Mr. Madison,) told the people that it was true, that, in controversies relating to the boundary between the two jurisdictions, the tribunal which is ultimately to decide is to be established under the general government. Mr. Martin, who had been a member of the convention, asserted the same thing to the legislature of Maryland, and urged it as a reason for rejecting the constitution. Mr. Pinckney, himself also a leading member of the convention, declared it to the people of South Carolina. Everywhere it was admitted, by friends and foes, that this power was in the constitution. By some it was thought dangerous, by most it was thought necessary; but by all it was agreed to be a power actually contained in the instrument. The convention, saw the absolute necessity of some control in the national government over state laws. Different modes of establishing this control were suggested and considered. At one time, it was proposed that the laws of the states should, from time to time, be laid before congress, and that congress should possess a negative over them. But this was thought inexpedient and inadmissible; and in its place, and expressly as a substitute for it, the existing provision was introduced; that is to say, a provision by which the federal courts should have authority to overrule such state laws as might be in manifest contravention of the constitution. The writers of the Federalist, in explaining the constitution, while it was yet pending before the people, and still unadopted, give this account of the matter in terms, and assign this reason for the article as it now stands. By this provision congress escaped from the necessity of any revision of state laws, left the

whole sphere of state legislation quite untouched, and yet obtained a security against any infringement of the constitutional power of the general government. Indeed, sir, allow me to ask again, if the national judiciary was not to exercise a power of revision on constitutional questions over the judicatures of the states, why was any national judicature erected at all? Can any man give a sensible reason for having a judicial power in this government, unless it be for the sake of maintaining a uniformity of decision on questions arising under the constitution and laws of congress, and insuring its execution? And does not this very idea of uniformity necessarily imply that the construction given by the national courts is to be the prevailing construction? How else, sir, is it possible that uniformity can be preserved?

Gentlemen appear to me, sir, to look at but one side of the question. They regard only the supposed danger of trusting a government with the interpretation of its own powers. But will they view the question in its other aspect? Will they show us how it is possible for a government to get along with four-and-twenty interpreters of its laws and powers? Gentlemen argue, too, as if, in these cases, the state would be always right, and the general government always wrong. But suppose the reverse; suppose the state wrong (and, since they differ, some of them must be wrong); are the most important and essential operations of the government to be embarrassed and arrested, because one state holds a contrary opinion? Mr. President, every argument which refers the constitutionality of acts of congress to state decision, appeals from the majority to the minority; it appeals from a common interest to a particular interest; from the counsels of all to the counsels of one; and endeavors to supersede the judgment of the whole by the judgment of a part.

I think it is clear, sir, that the constitution, by express provision, by definite and unequivocal words, as well as by neces-

sary implication, has constituted the supreme court of the United States the appellate tribunal in all cases of a constitutional nature which assume the shape of a suit, in law or equity. And I think I cannot do better than to leave this part of the subject by reading the remarks made upon it by Mr. Ellsworth, in the convention of Connecticut, a gentleman, sir, who has left behind him, on the records of the government of his country, proofs of the clearest intelligence and of the deepest sagacity, as well as of the utmost purity and integrity of character. He says:

"This constitution defines the extent of the powers of the general government. If the general legislature should, at any time, overleap its limits, the judicial department is a constitutional check. If the United States go beyond their powers, if they make a law which the constitution does not authorize, it is void; and the judiciary power, the national judges, who, to secure their impartiality, are to be made independent, will declare it to be void. On the other hand, if the states go beyond their limits, if they make a law which is a usurpation upon the general government, the law is void; and upright, independent judges will declare it to be so."

And let me only add, sir, that in the very first session of the first congress, with all the well-known objects, both of the convention and the people, full and fresh in his mind, Mr. Ellsworth, reported the bill, as is generally understood, for the organization of the judicial department, and in that bill made provision for the exercise of this appellate power of the supreme court, in all the proper cases, in whatsoever court arising; and that this appellate power has now been exercised for more than forty years, without interruption and without doubt.

As to the cases, sir, which do not come before the courts, those political questions which terminate with the enactments of congress, it is of necessity that these should be ultimately decided by congress itself. Like other legislatures, it must be trusted with this power. The members of congress are chosen

by the people, and they are answerable to the people; like other public agents, they are bound by oath to support the constitution. These are the securities that they will not violate their duty, or transcend their powers. They are the same securities as prevail in other popular governments; nor is it easy to see how grants of power can be more safely guarded, without rendering them nugatory. If the case cannot come before the courts, and if congress be not trusted with its decision, who shall decide it? The gentleman says, each state is to decide it for herself. If so, then, as I have already urged, what is law in one state is not law in the other. Or, if the resistance of one state compels an entire repeal of the law, then a minority, and that a small one, governs the whole country.

Sir, those who espouse the doctrines of nullification reject, as it seems to me, the first principle of all republican liberty; that is, that the majority must govern. In matters of common concern, the judgment of the majority must stand as the judg- of the whole. This is a law imposed on us by the absolute necessity of the case; and if we do not act upon it, there is no possibility of maintaining any government but despotism. We hear loud and repeated denunciations against what is called "majority government." It is declared, with much warmth, that a majority government cannot be maintained in the United States. What, then, do gentlemen wish? Do they wish to establish a minority government? Do they wish to subject the will of the many to the will of the few? The honorable gentleman from South Carolina has spoken of absolute majorities and majorities concurrent; language wholly unknown to our constitution, and to which it is not easy to affix definite ideas. As I far as I understand it, it would teach us that the absolute majority may be found in congress, but the "majority concurrent" must be looked for in the states; that is to say, sir, stripping the matter of this novelty of phrase, that the dissent of one or more states, as states, renders void the

decision of a majority of congress, so far as that state is concerned. And so this doctrine, running but a short career, like other dogmas of the day, terminates in nullification.

If this vehement invective against majorities meant no more than that, in the construction of government, it is wise to provide checks and balances, so that there should be various limitations on the power of the mere majority, it would only mean what the constitution of the United States has already abundantly provided. It is full of such checks and balances. In its very organization, it adopts a broad and most effectual principle in restraint of the power of mere majorities. A majority of the people elects the house of representatives, but it does not elect the senate. The senate is elected by the states, each state having, in this respect, an equal power. No law, therefore, can pass, without the assent of the majority of the representatives of the people, and a majority of the representatives of the states also. A majority of the representatives of the people must concur, and a majority of the states must concur, in every act of congress; and the president is elected on a plan compounded of both these principles. But having composed one house of representatives chosen by the people in each state, according to its numbers, and the other of an equal number of members from every state, whether larger or smaller, the constitution gives to majorities in these houses thus constituted the full and entire power of passing laws, subject always to the constitutional restrictions and to the approval of the president. To subject them to any other power is clear usurpation. The majority of one house may be controlled by the majority of the other; and both may be restrained by the president's negative. These are checks and balances provided by the constitution, existing in the government itself, and wisely intended to secure deliberation and caution in legislative proceedings. But to resist the will of the majority in both houses, thus constitutionally exercised; to insist on the lawfulness of interposition by an extra-

neous power; to claim the right of defeating the will of congress, by setting up against it the will of a single state—is neither more nor less, as it strikes me, than a plain attempt to overthrow the government. The constituted authorities of the United States are no longer a government, if they be not masters of their own will; they are no longer a government, if an external power may arrest their proceedings; they are no longer a government, if acts passed by both houses, and approved by the president, may be nullified by state vetoes or state ordinances. Does any one suppose it could make any difference, as to the binding authority of an act of congress, and of the duty of a state to respect it, whether it passed by a mere majority of both houses, or by three-fourths of each, or the unanimous vote of each? Within the limits and restrictions of the constitution, the government of the United States, like all other popular governments, acts by majorities. It can act no otherwise. Whoever, therefore, denounces the government of majorities, denounces the government of his own country, and denounces all free governments. And whoever would restrain these majorities, while acting within their constitutional limits, by an external power, whatever he may intend, asserts principles which, if adopted, can lead to nothing else than the destruction of the government itself.

Does not the gentleman perceive, sir, how his argument against majorities might here be retorted upon him? Does he not see how cogently he might be asked, whether it be the character of nullification to practice what it preaches? Look to South Carolina, at the present moment. How far are the rights of minorities there respected? I confess, sir, I have not known, in peaceable times, the power of the majority carried with a higher hand, or upheld with more relentless disregard of the rights, feelings, and principles of the minority;—a minority embracing, as the gentleman himself will admit, a large portion of the worth and respectability of the state; a minority compre-

hending in its numbers men who have been associated with him, and with us, in these halls of legislation; men who have served their country at home and honored it abroad; men who would cheerfully lay down their lives for their native state, in any cause which they could regard as the cause of honor and duty, men above fear, and above reproach; whose deepest grief and distress spring from the conviction that the present proceedings of the state must ultimately reflect discredit upon her. How is this minority, how are these men, regarded? They are enthralled and disfranchised by ordinances and acts of legislation; subjected to tests and oaths, incompatible, as they conscientiously think, with oaths already taken, and obligations already assumed; they are proscribed and denounced, as recreants to duty and patriotism, and slaves to a foreign power. Both the spirit which pursues them, and the positive measures which em anate from that spirit, are harsh and proscriptive beyond all precedent within my knowledge, except in periods of professed revolution.

It is not, sir, one would think, for those who approve these proceedings to complain of the power of majorities.

Mr. President, all popular governments rest on two principles, or two assumptions:

First, That there is so far a common interest among those over whom the government extends, as that it may provide for the defense, protection, and good government of the whole, without injustice or oppression to parts.

Second, That the representatives of the people, and especially the people themselves, are secure against general corruption, and may be trusted, therefore, with the exercise of power. Whoever argues against these principles argues against the practicability of all free governments. And whoever admits these, must admit, or cannot deny, that power is as safe in the hands of congress as in those of other representative bodies. Congress is not irresponsible. Its members are agents of the

people, elected by them, answerable to them, and liable to be displaced or superseded, at their pleasure; and they possess as fair a claim to the confidence of the people, while they continue to deserve it, as any other public political agents.

If, then, sir, the plain intention of the convention, and the cotemporary admission of both friends and foes, prove anything; if the plain text of the instrument itself, as well as the necessary implication from other provisions, prove anything; if the early legislation of congress, the course of judicial decisions, acquiesced in by all the states for forty years, prove anything —then it is proved that there is a supreme law, and a final interpreter.

My fourth and last proposition, Mr. President, was, that any attempt by a state to abrogate or nullify acts of congress is a usurpation on the powers of the general government and on the equal rights of other states, a violation of the constitution, and a proceeding essentially revolutionary. This is undoubtedly true, if the preceding propositions be regarded as proved. If the government of the United States be trusted with the duty, in any department, of declaring the extent of its own powers, then a state ordinance, or act of legislation, authorizing resistance to an act of congress, on the alleged ground of its unconstitutionality, is manifestly a usurpation upon its powers.

If the states have equal rights in matters concerning the whole, then for one state to set up her judgement against the judgment of the rest, and to insist on executing that judgment by force, is also a manifest usurpation on the rights of other states.

If the constitution of the United States be a government proper, with authority to pass laws, and to give them a uniform interpretation and execution, then the interposition of a state, to enforce her own construction, and to resist, as to herself,

that law which binds the other states, is a violation of the constitution.

And if that be revolutionary which arrests the legislative, executive, and judicial power of government, dispenses with existing oaths and obligations of obedience, and elevates another power to supreme dominion, then nullification is revolutionary. Or if that be revolutionary the natural tendency and practical effect of which are to break the Union into fragments, to sever all connection among the people of the respective states, and to prostrate this general government in the dust, then nullification is revolutionary.

Nullification, sir, is as distinctly revolutionary as secession; but I cannot say that the revolution which it seeks is one of so respectable a character. Secession would, it is true, abandon the constitution altogether; but then it would profess to aban don it. Whatever other inconsistencies it might run into, one, at least, it would avoid. It would not belong to a government, while it rejected its authority. It would not repel the burden, and continue to enjoy the benefits. It would not aid in passing laws which others are to obey, and yet reject their authority as to itself. It would not undertake to reconcile obedience to public authority with an asserted right of command over that same authority. It would not be in the government, and above the government, at the same time. But however more respectable a mode secession may be, it is not more truly revolutionary than the actual execution of the doctrines of nullification. Both, and each, resist the constitutional authorities; both, and each, would sever the Union, and subvert the government.

Mr. President, having detained the senate so long already, I will not now examine at length the ordinance and laws of South Carolina. These papers are well drawn for their purpose. Their authors understood their own objects. They are called a peaceable remedy, and we have been told that South Caro-

lina, after all, intends nothing but a lawsuit. A very few words, sir, will show the nature of this peaceable remedy, and of the lawsuit which South Carolina contemplates.

In the first place, the ordinance declares the law of last July, and all other laws of the United States laying duties, to be absolutely null and void, and makes it unlawful for the constituted authorities of the United States to enforce the payment of such duties. It is, therefore, sir, an indictable offense, at this moment, in South Carolina, for any person to be concerned in collecting revenue under the laws of the United States. It being declared unlawful to collect these duties, by what is considered a fundamental law of the state, an indictment lies, of course, against any one concerned in such collection; and he is, on general principles, liable to be punished by fine and imprisonment. The terms, it is true, are that it is unlawful "to enforce the payment of duties;" but every custom-house officer enforces payment when he detains the goods in order to obtain such payment. The ordinance, therefore, reaches everybody concerned in the collection of the duties.

This is the first step in the prosecution of the peaceable remedy. The second is more decisive. By the act commonly called the replevin law, any person, whose goods are seized or detained by the collector for the payment of duties, may sue out a writ of replevin, and, by virtue of that writ, the goods are to be restored to him. A writ of replevin is a writ which the sheriff is bound to execute, and for the execution of which he is bound to employ force, if necessary. He may call out the *posse*, and must do so, if resistance be made. This *posse* may be armed or unarmed. It may come forth with military array, and under the lead of military men. Whatever number of troops may be assembled in Charleston, they may be summoned, with the governor, or commander-in-chief, at their head, to come in aid of the sheriff. It is evident, then, sir, that the whole military power of the state is to be employed, when-

ever necessary, in dispossessing the custom-house officers, and in seizing and holding the goods, without paying the duties. This is the second step in the peaceable remedy.

Sir, whatever pretences may be set up to the contrary, this is the direct application of force, and of military force. It is unlawful, in itself, to replevy goods in the custody of the collectors. But this unlawful act is to be done, and it is to be done by power. Here is a plain interposition, by physical force, to resist the laws of the Union. The legal mode of collecting duties is to detain goods till such duties are paid or secured. But force comes and overpowers the collector and his assistants, and takes away the goods, leaving the duties unpaid. There cannot be a clearer case of forcible resistance to law. And it is provided that the goods thus seized shall be held against any attempt to retake them, by the same force which seized them.

Having thus dispossessed the officers of the government of the goods, without payment of duties, and seized and secured them by the strong arm of the state, only one thing more remains to be done, and that is, to cut off all possibility of legal redress; and that, too, is accomplished, or thought to be accomplished. The ordinance decrees, that all judicial proceedings, founded on the revenue laws (including, of course, proceedings in the courts of the United States,) shall be null and void. This nullifies the judicial power of the United States. Then comes the test-oath act. This requires all state judges and jurors in the state courts to swear that they will execute the ordinance, and all acts of the legislature passed in pursuance thereof. The ordinance declares, that no appeal shall be allowed from the decision of the state courts to the supreme court of the United States; and the replevin act makes it an indictable offense for any clerk to furnish a copy of the record, for the purpose of such appeal.

The two principal provisions on which South Carolina relies,

to resist the laws of the United States, and nullify the author ity of this government, are, therefore, these:

1. A forcible seizure of goods, before the duties are paid or secured, by the power of the state, civil and military.

2. The taking away, by the most effectual means in her power, of all legal redress in the courts of the United States; the confining all judicial proceedings to her own state tribunals; and the compelling of her judges and jurors of these her own courts to take an oath, beforehand, that they will decide all cases according to the ordinance, and the acts passed under it; that is, that they will decide the cause one way. They do not swear to try it, on its own merits; they only swear to decide it as nullification requires.

The character, sir, of these provions defies comment. Their object is as plain as their means are extraordinary. They propose direct resistance, by the whole power of the state, to laws of congress; to cut off, by methods deemed adequate, any redress by legal and judicial authority. They arrest legislation, defy the executive, and banish the judicial power of this government. They authorize and command acts to be done, and done by force, both of numbers and arms, which, if done, and done by force, are clearly acts of rebellion and treason.

Such, sir, are the laws of South Carolina; such, sir, is the peaceable remedy of nullification. Has not nullification reached, sir, even thus early, that point of direct and forcible resistance to law to which I intimated, three years ago, it plainly tended?

And now, Mr. President, what is the reason for passing laws like these? What are the oppressions experienced under the Union, calling for measures which thus threaten to sever and destroy it? What invasions of public liberty, what ruin to private happiness, what long list of rights violated, or wrongs unredressed, are to justify to the country, to posterity, and to the world, this assault upon the free constitution of the Uni-

ted States, this great and glorious work of our fathers? At this very moment, sir, the whole land smiles in peace, and rejoices in plenty. A general and a high prosperity pervades the country; and, judging by the common standard, by increase of population and wealth, or judging by the opinions of that portion of her people not embarked in those dangerous and desperate measures, this prosperity overspreads South Carolina herself.

Thus happy at home, our country, at the same time, holds high the character of her institutions, her power, her rapid growth, and her future destiny, in the eyes of all foreign states. One danger only creates hesitation; one doubt only exists, to darken the otherwise unclouded brightness of that aspect which she exhibits to the view and to the admiration of the world. Need I say, that that doubt respects the permanency of our Union? and need I say, that that doubt is now caused, more than by anything else, by these very proceedings of South Carolina? Sir, all Europe is, at this moment, beholding us, and looking for the issue of this controversy; those who hate free institutions, with malignant hope; those who love them, with deep anxiety and shivering fear.

The cause, then, sir, the cause! Let the world know the cause which has thus induced one state of the Union to bid defiance to the power of the whole, and openly to talk of secession. Sir, the world will scarcely believe that this whole controversy, and all the desperate measures which its support requires, have no other foundation than a difference of opinion upon a provision of the constitution, between a majority of the people of South Carolina, on one side, and a vast majority of the whole people of the United States, on the other. It will not credit the fact, it will not admit the possibility, that, in an enlightened age, in a free, popular republic, under a government where the people govern, as they must always govern under such systems, by majorities, at a time of unprecedented happiness, without

practical oppression, without evils such as may not only be pretended, but felt and experienced—evils not slight or temporary, but deep, permanent, and intolerable—a single state should rush into conflict with all the rest, attempt to put down the power of the Union by her own laws, and to support those laws by her military power, and thus break up and destroy the world's last hope. And well the world may be incredulous. We, who hear and see it, can ourselves hardly yet believe it. Even after all that had preceeded it, this ordinance struck the country with amazement. It was incredible and inconceivable that South Carolina should thus plunge headlong into resistance to the laws on a matter of opinion, and on a question in which the preponderance of opinion, both of the present day and of all past time, was so overwhelmingly against her. The ordinance declares that congress has exceeded its just power by laying duties on imports, intended for the protection of manufactures. This is the opinion of South Carolina; and on the strength of that opinion she nullifies the laws. Yet has the rest of the country no right to its opinion also? Is one state to sit sole arbitress? She maintains that those laws are plain, deliberate, and palpable violations of the constitution; that she has a sovereign right to decide this matter; and that, having so decided, she is authorized to resist their execution by her own sovereign power; and she declares that she will resist it, though such resistance should shatter the Union into atoms.

Mr. President, I do not intend to discuss the propriety of these laws at large; but I will ask, How are they shown to be thus plainly and palpably unconstitutional? Are they quite new in the history of the government? Have they no countenance at all in the constitution itself? Are they a sudden and violent usurpation on the rights of the states? Sir, what will the civilized world say, what will posterity say, when they learn that similar laws have existed from the very foundation

of the government, that for thirty years the power never was questioned, and that no state in the Union has more freely and unequivocally admitted it than South Carolina herself?

To lay and collect duties and imposts is an express power granted by the constitution to congress. It is, also, an exclusive power; for the constitution as expressly prohibits all the states from exercising it themselves. This express and exclusive power is unlimited in the terms of the grant, but is attended with two specific restrictions: first, that all duties and imposts shall be equal in all the states; second, that no duties shall be laid on exports. The power, then, being granted, and being attended with these two restrictions, and no more, who is to impose a third restriction on the general words of the grant? If the power to lay duties, as known among all other nations, and as known in all our history, and as it was perfectly understood when the constitution was adopted, includes a right of discriminating while exercising the power, and of laying some duties heavier and some lighter, for the sake of encouraging our own domestic products, what authority is there for giving to the words used in the constitution a new, narrow, and unusual meaning? All the limitations which the constitution intended, it has expressed; and what it has left unrestricted is as much a part of its will as the restraints which it has imposed.

But these laws, it is said, are unconstitutional on account of the motive. How, sir, can a law be examined on any such ground? How is the motive to be ascertained? One house, or one member, may have one motive; the other house, or another member, another. One motive may operate to-day, and another to-morrow. Upon any such mode of reasoning as this, one law might be unconstitutional now, and another law in exactly the same words, perfectly constitutional next year. Besides, articles may not only be taxed for the purpose of protecting home products, but other articles may be left free, for the same purpose and with the same motive. A law, there-

fore, would become unconstitutional from what it omitted, as well as from what it contained. Mr. President, it is a settled principle, acknowledged in all legislative halls, recognized before all tribunals, sanctioned by the general sense and understanding of mankind, that there can be no inquiry into the motives of those who pass laws, for the purpose of determining on their validity. If the law be within the fair meaning of the words in the grant of power, its authority must be admitted until it is repealed. This rule, everywhere acknowledged, everywhere admitted, is so universal and so completely without exception, as that even an allegation of fraud, in the majority of a legislature, is not allowed as a ground to set aside a law.

But, sir, is it true that the motive for these laws is such as is stated? I think not. The great object of all these laws is, unquestionably, revenue. If there were no occasion for revenue, the laws would not have been passed; and it is notorious that almost the entire revenue of the country is derived from them. And as yet we have collected none too much revenue. The treasury has not been more exhausted for many years than it is at this moment. All that South Carolina can say is, that, in passing the laws which she now undertakes to nullify, particular articles were taxed, from a regard to the protection of domestic articles, higher than they would have been had no such regard been entertained. And she insists that, according to the constitution, no such discrimination can be allowed; that duties should be laid for revenue, and revenue only; and that it is unlawful to have reference, in any case, to protection. In other words, she denies the power of *discrimination*. She does not, and cannot, complain of excessive taxation; on the contrary, she professes to be willing to pay any amount for revenue, merely as revenue; and up to the present moment there is no surplus of revenue. Her grievance, then, that plain and palpable violation of the constitution which she insists has ta-

ken place, is simply the exercise of the power of discrimination. Now, sir, is the exercise of this power of discrimination plainly and palpably unconstitutional?

I have already said the power to lay duties is given by the constitution in broad and general terms. There is also conferred on congress the whole power of regulating commerce, in another distinct provision. Is it clear and palpable, sir, can any man say it is a case beyond doubt, that, under these two powers, congress may not justly discriminate, in laying duties, for the purpose of countervailing the policy of foreign nations, or of favoring our own home productions? Sir, what ought to conclude this question forever, as it would seem to me, is, that the regulation of commerce and the imposition of duties are, in all commercial nations, powers avowedly and constantly exercised for this very end. That undeniable truth ought to settle the question; because the constitution ought to be considered, when it uses well-known language, as using it in its well-known sense. But it is equally undeniable, that it has been, from the very first, fully believed that this power of discrimination was conferred on congress; and the constitution was itself recommended, urged upon the people, and enthusiastically insisted on in some of the states, for that very reason. Not that, at that time, the country was extensively engaged in manufactures, especially of those kinds now existing. But the trades and crafts of the seaport towns, the business of the artisans and manual laborers,—these employments, the work of which supplies so great a portion of the daily wants of all classes,—all these looked to the new constitution as a source of relief from the severe distresses which followed the war. It would, sir, be unpardonable, at so late an hour, to go into details on this point; but the truth is as I have stated. The papers of the day, the resolutions of public meetings, the debates in the conventions, all that we open our eyes upon in the history of the times, prove it.

The honorable gentleman, sir, from South Carolina, has referred to two incidents connected with the proceedings of the convention at Philadelphia, which he thinks are evidence to show that the power of protecting manufactures by laying duties, and by commercial regulations, was not intended to be given to congress. The first is, as he says, that a power to protect manufactures was expressly proposed, but not granted. I think, sir, the gentleman is quite mistaken in relation to this part of the proceedings of the convention. The whole history of the occurrence to which he alludes is simply this. Toward the conclusion of the convention, after the provisions of the constitution had been mainly agreed upon, after the power to lay duties and the power to regulate commerce had both been granted, a long list of propositions was made and referred to the committee, containing various miscellaneous powers, some or all of which it was thought might be properly vested in congress. Among these was a power to establish a university; to grant charters of incorporation; to regulate stage-coaches on the post-roads; and also the power to which the gentleman refers, and which is expressed in these words: "To establish public institutions, rewards, and immunities, for the promotion of agriculture, commerce, trades, and manufactures. The committee made no report on this or various other propositions in the same list. But the only inference from this omission is, that neither the committee nor the convention thought it proper to authorize congress "to establish public institutions, rewards, and immunities," for the promotion of manufactures, and other interests. The convention supposed it had done enough,— at any rate, it had done all it intended,— when it had given to congress, in general terms, the power to lay imposts and the power to regulate trade. It is not to be argued, from its omission to give more, that it meant to take back what it had already given. It had given the impost power; it had given the regulation

of trade; and it did not deem it necessary to give the further and distinct power of establishing public institutions.

The other fact, sir, on which the gentleman relies, is the declaration of Mr. Martin to the legislature of Maryland. The gentleman supposes Mr. Martin to have urged against the constitution, that it did not contain the power of protection. But if the gentleman will look again at what Mr. Martin said, he will find, I think, that what Mr. Martin complained of was, that the constitution, by its prohibitions on the states, had taken away from the states themselves the power of protecting their own manufactures by duties on imports. This is undoubtedly true; but I find no expression of Mr. Martin intimating that the constitution had not conferred on congress the same power which it had thus taken from the states.

But, sir, let us go to the first congress; let us look in upon this and the other house, at the first session of their organization.

We see, in both houses, men distinguished among the friends, framers, and advocates of the constitution. We see in both, those who had drawn, discussed, and matured the instrument in the convention, explained and defended it before the people, and were now elected members of congress, to put the new government into motion, and to carry the powers of the constitution into beneficial execution. At the head of the government was Washington himself, who had been president of the convention; and in his cabinet were others most thoroughly acquainted with the history of the constitution, and distinguished for the part taken in its discussion. If these persons were not acquainted with the meaning of the constitution, if they did not understand the work of their own hands, who can understand it, or who shall now interpret it to us?

Sir, the volume which records the proceedings and debates of the first session of the house of representatives lies before

me. I open it, and I find that, having provided for the administration of the necessary oaths, the very first measure proposed for consideration is, the laying of imposts; and in the very first committee of the whole into which the house of representatives ever resolved itself, on this its earliest subject, and in this its very first debate, the duty of so laying the imposts as to encourage manufactures was advanced and enlarged upon by almost every speaker, and doubted or denied by none. The first gentleman who suggests this as the clear duty of congress, and as an object necessary to be attended to, is Mr. Fitzsimons, of Pennsylvania; the second, Mr. White, of *Virginia;* the third, Mr. Tucker, of *South Carolina.*

But the great leader, sir, on this occasion, was Mr. Madison. Was he likely to know the intentions of the convention and the people? Was he likely to understand the constitution? At the second sitting of the committee, Mr. Madison explained his own opinions of the duty of congress, fully and explicitly. I must not detain you, sir, with more than a few short extracts from these opinions, but they are such as are clear, intelligible, and decisive. "The states," says he, "that are most advanced in population, and ripe for manufactures, ought to have their particular interest attended to, in some degree. While these states retained the power of making regulations of trade, they had the power to cherish such institutions. By adopting the present constitution, they have thrown the exercise of this power into other hands; they must have done this with an expectation that those interests would not be neglected here." In another report of the same speech, Mr. Madison is represented as using still stronger language; as saying that the constitution having taken this power away from the states and conferred it on congress, it would be a fraud on the states and on the people were congress to refuse to exercise it.

Mr. Madison argues, sir, on this early and interesting occasion, very justly and liberally, in favor of the general principles

of unrestricted commerce. But he argues, also, with equal force and clearness, for certain important exceptions to these general principles. The first, sir, respects those manufactures which had been brought forward under encouragement by the state governments. "It would be cruel," says Mr. Madison, "to neglect them, and to divert their industry into other channels; for it is not possible for the hand of man to shift from one employment to another without being injured by the change." Again: "There may be some manufactures which, being once formed, can advance towards perfection without any adventitious aid; while others, for want of the fostering hand of government, will be unable to go on at all. Legislative provision, therefore, will be necessary to select the proper objects for this purpose; and this will form another exception to my general principle." And again: "The next exception that occurs is one on which great stress is laid by some well-informed men, and this with great plausibility; that each nation should have, within itself, the means of defense, independent of foreign supplies; that, in whatever relates to the operations of war, no state ought to depend upon precarious supplies from any part of the world. There may be some truth in this remark; and therefore it is proper for legislative attention."

In the same debate, sir, Mr. Burk, from *South Carolina*, supported a duty on hemp, for the express purpose of encouraging its growth on the strong lands of South Carolina. "Cotton," he said, "was also in contemplation among them, and, if good seed could be procured, he hoped might succeed." Afterward, sir, the cotton seed was obtained, its culture was protected, and it did succeed. Mr. Smith, a very distinguished member from the *same state*, observed: "It has been said, and justly, that the states which adopted this constitution expected its administration would be conducted with a favorable hand. The manufacturing states wished the encouragement of manu-

factures, the maritime states the encouragement of ship-building, and the agricultural states the encouragement of agriculture."

Sir, I will detain the senate by reading no more extracts from these debates. I have already shown a majority of the members of *South Carolina*, in this very first session, acknowledging this power of protection, voting for its exercise, and proposing its extension to their own products. Similar propositions came from Virginia; and, indeed, sir, in the whole debate, at whatever page you open the volume, you find the power admitted, and you find it applied to the protection of particular articles, or not applied, according to the discretion of congress. No man denied the power, no man doubted it; the only questions were, in regard to the several articles proposed to be taxed, whether they were fit subjects for protection, and what the amount of that protection ought to be. Will gentleman, sir, now answer the argument drawn from those proceedings of the first congress? Will they undertake to deny that that congress did act on the avowed principle of protection? Or, if they admit it, will they tell us how those who framed the constitution fell, thus early, into this great mistake about its meaning? Will they tell us how it should happen that they had so soon forgotten their own sentiments and their own purposes? I confess I have seen no answer to this argument, nor any respectable attempt to answer it. And, sir, how did this debate terminate? What law was passed? There it stands, sir, among the statutes, the second law in the book. It has a preamble, and that preamble expressly recites, that the duties which it imposes are laid "for the support of government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures." Until, sir, this early legislation, thus coeval with the constitution itself, thus full and explicit, can be explained away, no man can doubt of the meaning of that instrument.

Mr. President, this power of discrimination, thus admitted, avowed, and practiced upon in the first revenue act, has never been denied or doubted until within a few years past. It was not at all doubted in 1816, when it became necessary to adjust the revenue to a state of peace. On the contrary, the power was then exercised, not without opposition as to its expediency, but, as far as I remember or have understood, without the slightest opposition founded on any supposed want of constitutional authority. Certainly, *South Carolina* did not doubt it. The tariff of 1816 was introduced, carried through, and established, under the lead of South Carolina. Even the minimum is of South Carolina origin. The honorable gentleman himself supported, and ably supported the tariff of 1816. He has informed us, sir, that his speech on that occasion was sudden and off-hand, he being called upon by the request of a friend. I am sure the gentleman so remembers it, and that it was so; but there is, nevertheless, much method, arrangement, and clear exposition in that extempore speech. It is very able, very, very much to the point, and very decisive. And in another speech, delivered two months earlier, on the proposition to repeal the internal taxes, the honorable gentleman had touched the same subject, and had declared "that a certain encouragement ought to be extended at least to our woolen and cotton manufactures." I do not quote these speeches, sir, for the purpose of showing that the honorable gentleman has changed his opinion; my object is other and higher. I do it for the sake of saying that that cannot be so plainly and palpably unconstitutional as to warrant resistance to law, nullification, and revolution, which the honorable gentleman and his friends have heretofore agreed to and acted upon without doubt and without hesitation. Sir, it is no answer to say that the tariff of 1816 was a revenue bill. So are they all revenue bills. The point and the truth is, that the tariff of 1816, like the rest, did discriminate; it did distinguish one article from another; it did lay duties for protection.

Look to the case of coarse cottons under the minimum calculation: the duty on these was sixty to eighty per cent. Something besides revenue, certainly, was intended by this; and, in fact, the law cut up our whole commerce with India in that article.

It is, sir, only within a few years that Carolina has denied the constitutionality of these protective laws. The gentleman himself has narrated to us the true history of her proceedings on this point. He says, that, after the passing of the law of 1828, despairing then of being able to abolish the system of protection, political men went forth among the people, and set up the doctrine that the system was unconstitutional. "And the people," says the honorable gentleman, "received the doctrine." This, I believe is true, sir. The people did then receive the doctrine; they had never entertained it before. Down to that period, the constitutionality of these laws had been no more doubted in South Carolina than elsewhere. And I sus pect it is true, sir and I deem it a great misfortune, that, to the present moment, a great portion of the people of the state have never yet seen more than one side of the argument. I believe that thousands of honest men are involved in scenes now passing, led away by one-sided views of the question, and following their leaders by the impulses of an unlimited confidence. Depend upon it, sir, if we can avoid the shock of arms, a day for reconsideration and reflection will come; truth and reason will act with their accustomed force, and the public opinion of South Carolina will be restored to its usual constitutional and patriotic tone.

But, sir, I hold South Carolina to her ancient, her cool, her uninfluenced, her deliberate opinions. I hold her to her own admissions, nay, to her own claims and pretensions, in 1789, in the first congress, and to her acknowledgements and avowed sentiments through a long series of succeeding years. I hold her to the principles on which she led congress to act in 1816;

or, if she has changed her own opinions, I claim some respect for those who still retain the same opinions. I say she is precluded from asserting that doctrines, which she herself so long and so ably sustained, are plain, palpable, and dangerous violations of the constitution.

Mr. President, if the friends of nullification should be able to propagate their opinions, and give them practical effect, they would, in my judgment, prove themselves the most skilful "architects of ruin," the most effectual extinguishers of high-raised expectation, the greatest blasters of human hopes, which any age has produced. They would stand up to proclaim, in tones which would pierce the ears of half the human race, that the last great experiment of representative government had failed. They would send forth sounds, at the hearing of which the doctrine of the divine right of kings would feel, even in its grave, a returning sensation of vitality and resuscitation. Millions of eyes, of those who now feed their inherent love of liberty on the success of the American example, would turn away from beholding our dismemberment, and find no place on earth whereon to rest their gratified sight. Amidst the incantations and orgies of nullification, secession, disunion, and revolution, would be celebrated the funeral rites of constitutional and republican liberty.

But, sir, if the government do its duty, if it act with firmness and with moderation, these opinions cannot prevail. Be assured, sir, be assured, that, among the political sentiments of this people, the love of union is still uppermost. They will stand fast by the constitution, and by those who defend it. I rely on no temporary expedients, on no political combination; but I rely on the true American feeling, the genuine patriotism of the people, and the imperative decision of the public voice. Disorder and confusion, indeed, may arise; scenes of commotion and contest are threatened, and perhaps may come. With my whole heart I pray for the continuance of the domestic

peace and quiet of the country. I desire, most ardently, the restoration of affection and harmony to all its parts. I desire that every citizen of the whole country may look to this government with no other sentiments but those of grateful respect and attachment. But I cannot yield even to kind feelings the cause of the constitution, the true glory of the country, and the great trust which we hold in our hands for succeeding ages. If the constitution cannot be maintained without meeting these scenes of commotion and contest, however unwelcome, they must come. We cannot, we must not, we dare not, omit to do that which, in our judgment, the safety of the Union requires. Not regardless of consequences, we must yet meet consequences; seeing the hazards which surround the discharge of public duty, it must yet be discharged. For myself, sir, I shun no responsibility justly devolving on me, here or elsewhere, in attempting to maintain the cause. I am tied to it by indissoluble bands of affection and duty, and I shall cheerfully partake in its fortunes and its fate. I am ready to perform my own appropriate part, whenever and wherever the occasion may call on me, and to take my chance among those upon whom blows may fall first and fall thickest. I shall exert every faculty I possess in aiding to prevent the constitution from being nullified, destroyed, or impaired; and even should I see it fall, I will still, with a voice feeble, perhaps, but earnest as ever issued from human lips, and with fidelity and zeal which nothing shall extinguish, call on the PEOPLE to come to its rescue.

THE CONSTITUTION AND THE UNION.

THE COMPROMISES OF THE CONSTITUTION.

A SPEECH DELIVERED IN THE SENATE OF THE UNITED STATES, ON THE 7TH OF MARCH, 1850.

Mr. President—I wish to speak to-day, not as a Massachusetts man, nor as a northern man, but as an American, and a member of the senate of the United States. It is fortunate that there is a senate of the United States; a body not yet moved from its propriety, not lost to a just sense of its own dignity and its own high responsibilities, and a body to which the country looks, with confidence, for wise, moderate, patriotic, and healing counsels. It is not to be denied that we live in the midst of strong agitations, and are surrounded by very considerable dangers to our institutions of government. The imprisoned winds are let loose. The east, the west, the north, and the stormy south, all combine to throw the whole ocean into agitation, to toss its billows to the skies, and to disclose its profoundest depths. I do not affect to regard myself, Mr. President, as holding, or as fit to hold, the helm in this combat of the political elements; but I have a duty to perform, and I mean to perform it with fidelity, not without a sense of surrounding dangers, but not without hope. I have a part to act, not for my own security or safety, for I am looking out for no fragment upon which to float away from the wreck, if wreck there must be, but for the good of the whole, and the preservation of the whole; and there is that which will keep me to my duty during this struggle, whether the sun and the stars shall appear, or shall not appear for many days. I speak to-day for the preservation of the Union. "Hear me for my cause." I

speak to-day, out of a solicitous and anxious heart, for the restoration to the country of that quiet and that harmony which make the blessings of this Union so rich, and so dear to us all. These are the topics that I propose to myself to discuss; these are the motives, and the sole motives, that influence me in the wish to communicate my opinions to the senate and the country; and if I can do anything, however little, for the promotion of these ends, I shall have accomplished all that I desire.

Mr. President, it may not be amiss to recur very briefly to the events which, equally sudden and extraordinary, have brought the political condition of the country to what it now is. In May, 1846, the United States declared war against Mexico. Our armies, then on the frontiers, entered the provinces of that republic, met and defeated all her troops, penetrated her mountain passes, and occupied her capital. The marine force of the United States took possession of her forts and her towns, on the Atlantic and on the Pacific. In less than two years a treaty was negotiated, by which Mexico ceded to the United States a vast territory, extending seven or eight hundred miles along the shores of the Pacific, and reaching back over the mountains, and across the desert, until it joins the frontier of the state of Texas. It so happened, that in the distracted and feeble state of the Mexican government, before the declaration of war by the United States against Mexico had become known in California, the people of that province, under the lead of American officers, overthrew the existing provincial government of California, the Mexican authorities, and run up an independent flag. When the news arrived at San Francisco that war had been declared by the United States against Mexico, this independent flag was pulled down, and the stars and stripes of this Union hoisted in its stead. So, sir, before the war was over, the powers of the United States, military and naval, had possession of San Francisco and Upper California, and a great rush of emigrants from various parts of the world took place

into California in 1846 and 1847. But now behold another wonder.

In January of 1848, the Mormons, it is said, or some of them, made a discovery of an extraordinarily rich mine of gold, or rather of a very great quantity of gold, hardly fit to be called a mine, for it was spread near the surface, on the lower part of the south, or American, branch of the Sacramento. They seem to have attempted to conceal their discovery for some time; but soon another discovery, perhaps of greater importance, was made, of gold in another part of the American branch of the Sacramento, and near Sutter's Fort, as it is called. The fame of these discoveries spread far and wide. They stimulated more and more the spirit of emigration toward California, which had already been excited; and persons crowded in hundreds, and flocked toward the bay of San Francisco. This, as I have said, took place in the winter and spring of 1848. The digging commenced in the spring of that year, and from that time to this the work of searching for gold has been prosecuted with a success not heretofore known in the history of this globe. We all know, sir, how incredulous the American public was at the accounts which reached us, at first, of these discoveries; but we all know, now, that these accounts received, and continue to receive, daily confirmation, and down to the present moment I suppose the assurances are as strong, after the experience of these several months, of mines of gold apparently inexhaustible in the regions near San Francisco, in California, as they were at any period of the earlier dates of the accounts. It so happened, sir, that although, after the return of peace, it became a very important subject for legislative consideration and legislative decision to provide a proper territorial government for California, yet differences of opinion in the councils of the nation prevented the establishment of any such territorial government for that territory at the last session of congress. Under this state of things, the inhabitants of San Francisco and California,

then amounting to a great number of people, in the summer of last year, thought it to be their duty to establish a local government. Under the proclamation of General Riley, the people chose delegates to a convention; that convention met at Monterey. They formed a constitution for the state of California, and it was adopted by the people of California in their primary assemblages. Desirous of immediate connection with the United States, its senators were appointed and representatives chosen, who have come hither, bringing with them the authentic constitution of the state of California; and they now present themselves, asking, in behalf of their state, that it may be admitted into this Union as one of the United States. This constitution, sir, contains an express prohibition against slavery, or involuntary servitude, in the state of California. It is said, and I suppose truly, that, of the members who composed that convention, some sixteen were natives, and had been residents of, the slave-holding states, and about twenty-two were from the non slave-holding states. The remaining ten members were either native Californians or old settlers in that country. This prohibition against slavery, it is said, was inserted with entire unanimity.

And it is this circumstance, sir, the prohibition of slavery, by that convention, which has contributed to raise, I do not say it has wholly raised, the dispute as to the propriety of the admission of California into the Union under this constitution. It is not to be denied, Mr. President, nobody thinks of denying, that, whatever reasons were assigned at the commencement of the late war with Mexico, it was prosecuted for the purpose of the acquisition of territory, and under the alleged argument that the cession of territory was the only form in which proper compensation could be made to the United States by Mexico, for the various claims and demands which the people of this country had against that government. At any rate, it will be found that President Polk's message, at the commencement of the session of De-

cember, 1847, avowed that the war was to be prosecuted until some acquisition of territory was made. And as the acquisition was to be south of the line of the United States, in warm climates and countries, it was naturally, I suppose, expected by the south, that whatever acquisitions were made in that region would be added to the slave-holding portion of the United States. Events have turned out as was not expected, and that expectation has not been realized; and therefore some degree of disappointment and surprise has resulted, of course. In other words, it is obvious that the question which has so long harassed the country, and at times very seriously alarmed the minds of wise and good men, has come upon us for a fresh discussion; the question of slavery in these United States.

Now, sir, I propose, perhaps at the expense of some detail and consequent detention of the senate, to review historically this question of slavery, which partly in consequence of its own merits, and partly, perhaps mostly, in the manner it is discussed in one and the other portions of the country, has been a source of so much alienation and unkind feeling between the different portions of the Union.

We all know, sir, that slavery has existed in the world from time immemorial. There was slavery, in the earliest periods of history, in the oriental nations. There was slavery among the Jews; the theocratic government of that people made no injunction against it. There was slavery among the Greeks; and the ingenious philosophy of the Greeks found, or sought to find, a justification for it exactly upon the grounds which have been assumed for such a justification in this country; that is, a natural and original difference among the races of mankind—the inferiority of the black or colored race to the white. The Greeks justified their system of slavery upon that ground, precisely. They held the African, and, in some parts, the Asiatic tribes to be inferior to the white race; but they did not show, I think, by any close process of logic, that, if this were true, the

more intelligent and the stronger had, therefore, a right to subjugate the weaker.

The more manly philosophy and jurisprudence of the Romans placed the justification of slavery on entirely different grounds. The Roman jurists, from the first and down to the fall of the empire, admitted that slavery was against the natural law, by which, as they maintained, all men, of whatsoever clime, color, or capacity, were equal; but they justified slavery, first, upon the ground and authority of the law of nations, arguing, and arguing truly, that at that day the conventional law of nations admitted that captives in war, whose lives, according to the notions of the times, were at the absolute disposal of the captors, might, in exchange for exemption from death, be made slaves for life, and that such servitude might descend to their posterity. The jurists of Rome also maintained, that, by the civil law, there might be servitude, slavery, personal and hereditary; first, by the voluntary act of an individual, who might sell himself into slavery; second, by his being received into a state of slavery by his creditors, in satisfaction of a debt; and, thirdly, by being placed in a state of servitude or slavery for crime. At the introduction of christianity into the world, the Roman empire was full of slaves, and I suppose there is to be found no injunction against that relation between man and man in the teachings of the gospel of Jesus Christ or of any of his apostles. The object of the instruction imparted to mankind by the founder of christianity was to touch the heart, purify the soul, and improve the lives of individual men. That object went directly to the first fountain of all political and all social relations of the human race, the individual heart and mind of man.

Now, sir, upon the general nature, and character, and influence of slavery there exists a wide difference between the northern portion of this country and the southern. It is said on the one side, that, if not the subject of any injunction or direct pro-

hibition in the New Testament, slavery is a wrong; that it is founded merely in the right of the strongest; and that it is an oppression, like all unjust wars, like all those conflicts by which a mighty nation subjects a weaker nation to their will; and that slavery, in its nature, whatever may be said of it in the modifications which have taken place, is not in fact according to the meek spirit of the gospel. It is not kindly affectioned, it does not "seek another's, and not its own." It does not "let the oppressed go free." These are sentiments that are cherished, and recently with greatly augmented force, among the people of the northern states. It has taken hold of the religious sentiment of that part of the country, as it has more or less taken hold of the religious feelings of a considerable portion of mankind. The south, upon the other side, having been accustomed to this relation between the two races all their lives, from their birth; having been taught in general to treat the subjects of this bondage with care and kindness—and I believe, in general, feeling for them great care and kindness—have yet not taken this view of the subject which I have mentioned. There are thousands of religious men, with consciences as tender as any of their brethren at the north, who do not see the unlawfulness of slavery; and there are more thousands, perhaps, that, whatsoever they may think of it in its origin, and as a matter depending upon natural right, yet take things as they are, and, finding slavery to be an established relation of the society in which they live, can see no way in which — let their opinions on the abstract question be what they may—it is in the power of the present generation to relieve themselves from this relation. And, in this respect, candor obliges me to say, that I believe they are just as conscientious, many of them—and of the religious people, all of them—as they are in the north, in holding different opinions.

Why, sir, the honorable senator from South Carolina, the other day, alluded to the great separation of that great religious

community, the Methodist Episcopal church. That separation was brought about by differences of opinion upon this peculiar subject of slavery. I felt great concern, as that dispute went on, about the result; and I was in hopes that the difference of opinion might be adjusted, because I looked upon that religious denomination as one of the great props of religion and morals, throughout the whole country, from Maine to Georgia. The result was against my wishes and against my hopes. I have read all their proceedings, and all their arguments, but I have never yet been able to come to the conclusion, that there was any real ground for the separation; in other words, that no good could be produced by that separation. I must say, I think there was some want of candor and charity.

Sir, when a question of this kind takes hold of the religious sentiments of mankind, and comes to be discussed in religious assemblies of the clergy and laity, there is always to be expected, or always to be feared, a great degree of excitement. It is in the nature of man, manifested by his whole history, that religious disputes are apt to become warm, and men's strength of conviction is proportionate to their views of the magnitude of the question. In all such disputes, there will sometimes be men found with whom everything is absolute—absolutely wrong, or absolutely right. They see the right clearly; they think others ought so to see it, and they are disposed to establish a broad line of distinction between what is right, and what is wrong. And they are not seldom willing to establish that line upon their own convictions of the truth and the justice of their own opinions; and are willing to mark and guard that line, by placing along it a series of dogmas, as lines of boundary are marked by posts and stones. There are men, who, with clear perceptions, as they think, of their own duty, do not see how too hot a pursuit of one duty may involve them in the violation of another, or how too warm an embracement of one truth may lead to a

disregard of other truths equally important. As I heard it stated strongly, not many days ago, these persons are disposed to mount upon some particular duty as upon a war-horse, and to drive furiously on, and upon, and over all other duties, that may stand in the way. There, are men, who, in times of that sort and disputes of that sort, are of opinion, that human duties may be ascertained with the exactness of mathematics. They deal with morals as with mathematics, and they think what is right, may be distinguished from what is wrong, with the precision of an algebraic equation. They have, therefore, none too much charity toward others who differ with them. They are apt, too, to think that nothing is good but what is perfect, and that there are no compromises or modifications to be made in submission to difference of opinion, or in deference to other's men's judgment. If their perspicacious vision enables them to detect a spot on the face of the sun, they think that a good reason why the sun should be struck down from heaven. They prefer the chance of running into utter darkness, to living in heavenly light, if that heavenly light be not absolutely without any imperfection. There are impatient men — too impatient always to give heed to the admonition of St. Paul, "that we are not to do evil that good may come" — too impatient to wait for the slow progress of moral causes in the improvement of mankind. They do not remember, that the doctrines and the miracles of Jesus Christ have, in eighteen hundred years, converted only a small portion of the human race; and among the nations that are converted to christianty, they forget how many vices and crimes, public and private, still prevail, and that many of them — public crimes especially, which are offenses against the christian religion — pass without exciting particular regret or indignation. Thus wars are waged, and unjust wars. I do not deny that there may be just wars. There certainly are; but it was the remark of an eminent person, not many years ago, on the other side of the Atlantic, that it was one of the great

est reproaches to human nature, that wars were sometimes necessary. The defense of nations sometimes causes a war against the injustice of other nations.

Now, sir, in this state of sentiment, upon the general nature of slavery, lies the cause of a great portion of those unhappy divisions, exasperations, and reproaches, which find vent and support in different parts of the Union. Slavery does exist in the United States. It did exist in the states before the adoption of this constitution, and at that time.

And now let us consider, sir, for a moment, what was the state of sentiment, north and south, in regard to slavery at the time this constitution was adopted. A remarkable change has taken place since, but what did the wise and great men of all parts of the country then think of slavery? In what estimation did they hold it in 1787, when this constitution was adopted? Now, it will be found, sir, if we will carry ourselves by historical research back to that day, and ascertain men's opinions by authentic records still existing among us, that there was no great diversity of opinion between the north and the south upon the subject of slavery; and it will be found that both parts of the country held it equally an evil, a moral and political evil. It will not be found, that either at the north or at the south, there was much, though there was some, invective against slavery as inhuman and cruel. The great ground of objection to it was political; that it weakened the social fabric; that, taking the place of free labor, society was less strong, and labor was less productive; and, therefore, we find, from all the eminent men of the time, the clearest expression of their opinion that slavery was an evil. And they ascribed its existence here, not without truth, and not without some acerbity of temper and force of language, to the injurious policy of the mother country, who, to favor the navigator, had entailed these evils upon the colonies. I need hardly refer, sir, to the publications of the day. They are matters of history on the record. The

eminent men, the most eminent men, and nearly all the conspicuous politicians of the south, held the same sentiments, that slavery was an "evil," a "blight," a "blast," a "mildew," a "scourge," and a "curse." There are no terms of reprobation of slavery so vehement in the north of that day as in the south. The north was not so much excited against it as the south, and the reason is, I suppose, because there was much less at the north; and the people did not see, or think they saw, the evils so prominently as they were seen, or thought too be seen, at the south.

Then, sir, when this constitution was framed, this was the light in which the convention viewed it. The convention reflected the judgment and sentiments of the great men of the south. A member of the other house, whom I have not the honor to know, in a recent speech, has collected extracts from these public documents. They prove the truth of what I am saying, and the question then was, how to deal with it, and how to deal with as an evil. Well, they came to this general result. They thought that slavery could not be continued in the country if the importation of slaves were made to cease, and therefore they provided, that after a certain period, the importation might be prevented by the act of the new government. Twenty years was proposed by some gentleman — a northern gentleman, I think — and many of the southern gentlemen opposed it as being too long. Mr. Madison, especially, was something warm against it. He said it would bring too much of this mischief into the country to allow the importation of slaves for such a period, because we must take along with us, in the whole of this discussion, when we are considering the sentiments and opinions in which this constitutional provision originated, that the conviction of all men was, that if the importation of slaves ceased, the white race would multiply faster than the black race, and that slavery would, therefore, gradually wear out and expire. It may not be improper here to al-

lude to that, I had almost said celebrated, opinion of Mr. Madison. You observe, sir, that the term "slave," or "slavery," is not used in the constitution. The constitution does not require that "fugitive slaves" shall be delivered up. It requires that "persons bound to service in one state, and escaping into another, shall be delivered up." Mr. Madison opposed the introduction of the term slave, or slavery, into the constitution; for he said, that he did not wish to see it recognized by the constitution of the United States of America, that there could be property in men.

Now, sir, all this took place at the convention in 1787; but connected with this, concurrent and cotemporaneous, is another important transaction, not sufficiently attended to. The convention for framing this constitution assembled in Philadelphia in May, and sat until September, 1787. During all that time the congress of the United States was in session at New York. It was a matter of design, as we know, that the convention should not assemble in the same city where congress was holding its sessions. Almost all the public men of the country, therefore, of distinction and eminence, were in one or the other of these two assemblies; and I think it happened, in some instances, that the same gentlemen were members of both. If I mistake not, such was the case of Mr. Rufus King, then a member of congress from Massachusetts, and at the same time a member of the convention to frame the constitution from that state. Now, it was in the summer of 1787, the very time when the convention in Philadelphia was framing this constitution, that the congress in New York was framing the ordinance of 1787. They passed that ordinance on the 13th of July, 1787, at New York, the very month, perhaps the very day, on which these questions about the importation of slaves and the character of slavery were debated in the convention at Philadelphia. And so far as we can now learn, there was a

perfect concurrence of opinion between these respective bodies; and it resulted in this ordinance of 1787, excluding slavery, as applied to all the territory over which the congress of the United States had jurisdiction, and that was, all the territory northwest of the Ohio. Three years before, Virginia and other states had made a cession of that great territory to the United States. And a most magnificent act it was. I never reflect upon it without a disposition to do honor and justice — and justice would be the highest honor — to Virginia for that act of cession of her northwestern territory. I will say, sir, it is one of her fairest claims to the respect and gratitude of the United States, and that perhaps it is only second to that other claim which attaches to her, that from her counsels, and from the intelligence and patriotism of her leading statesmen, proceeded the first idea, put into practice, for the formation of a general constitution of the United States. Now, sir, the ordinance of 1787 applied thus to the whole territory over which the congress of the United States had jurisdiction. It was adopted nearly three years before the constitution of the United States went into operation; because the ordinance took effect immediately on its passage, while the constitution of the United States, having been framed, was to be sent to the states to be adopted by their conventions; and then a government had to be organized under it. This ordinance, then, was in operation and force when the constitution was adopted, and this government put in motion, in April, 1789.

Mr. President, three things are quite clear as historical truths. One is, that there was an expectation that on the ceasing of the importation of slaves from Africa, slavery would begin to run out in this Union. That was hoped and expected. Another is, that as far as there was any power in congress to prevent the spread of slavery in the United States, that power was executed in the most absolute manner and to the fullest extent. An

honorable member whose health does not allow him to be here to-day —

A Senator. He is here. (Referring to Mr. Calhoun.)

I am very happy to hear that he is — may he long be in health and the enjoyment of it to serve his country. He said the other day, that he considered this ordinance as the first in a series of measures calculated to enfeeble the south, and deprive them of their just participation in the benefits and privileges of this government. He says, very properly, that it was done under the old confederation, and before this constitution went into effect; but, my present purpose is only to say, Mr. President, that it was done with the entire and unanimous concurrence of the whole south. Why, there it stands! The vote of every state in the Union was unanimous in favor of the ordinance, with the exception of a single individual vote, and that individual was a northern man. But, sir, the ordinance abolishing, or rather prohibiting slavery northwest of the Ohio, has the hand and seal of every southern member in congress.

The other and third clear historical truth is, that the convention meant to leave slavery, in the states, as they found it, entirely under the authority and control of the states.

This was the state of things, sir, and this the state of opinion, under which those very important matters were arranged, and those important things done; that is, the establishment of the constitution, with a recognition of slavery as it existed in the states, the establishment of the ordinance prohibiting, to the full extent of all territory owned by the United States, the introduction of slavery into those territories, and the leaving to the states all power over slavery, in their own limits.

And here, sir, we may pause. We may reflect for a moment upon the entire coincidence and concurrence of sentiment between the north and the south upon these questions, at the period of the adoption of the constitution. But opinions, sir,

have changed — greatly changed — changed north and changed south. Slavery is not regarded in the south now as it was then. I see an honorable member of this body paying me the honor of listening to my remarks; he brings to me, sir, freshly and vividly, his great ancestor, so much distinguished in his day and generation, so worthy to be succeeded by so worthy a grandson, with all the sentiments he expressed in the convention in Philadelphia.

There was a general concurrence of sentiment, if not an entire unanimity, running through the whole community, and especially entertained by the eminent men of all portions of the country. But soon a change began at the north and the south, and a diversity of opinion showed itself—the north growing much more warm and strong against slavery, and the south growing much more warm and strong in its support. Sir, there is no generation of mankind whose opinions are not subject to be influenced by what appears to them to be their present, emergent, and exigent interest. I impute to the south no particularly selfish view, in the change which has come over her. I impute to her, certainly, no dishonest view. All that has happened has been natural. It has followed those causes which always influence the human mind and operate upon it. What, then, have been the causes which have created so new a feeling in favor of slavery in the south — which have changed the whole nomenclature of the south on the subject — and from being thought of and described in the terms I have mentioned, but will not repeat, it has now become an "institution," a "cherished institution," in that quarter; no evil, no scourge, but a great religious, social, and moral blessing as I think I have heard it latterly described? I suppose this, sir, is owing to the sudden uprising and rapid growth of the cotton plantations of the south. So far as any motive of honor, justice, and general judgment could act, it was the cotton interest that gave a new desire to promote slavery, to spread it and to use its labor. I again say

that that was produced by the causes, which we must always expect to produce like effects; their whole interests became connected with it. If we look back to the history of the commerce of this country, in the early years of this government, what were our exports? Cotton was hardly, or but to a very limited extent, known. The tables will show that the exports of cotton for the years 1790 and '91, were not more than forty or fifty thousand dollars a year. It has gone on increasing rapidly until it may now, perhaps, in a season of great product and high prices, amount to a hundred millions of dollars. In the years I have mentioned, there was more of wax, more of indigo, more of rice, more of almost every article of export from the south, than of cotton. I think I have heard it said, when Mr. Jay negotiated the treaty of 1794 with England, he did not know that cotton was exported at all from the United States; and I have heard it said, that after the treaty, which gave to the United States the right to carry their own commodities to England in their own ships, the custom-house in London refused to admit cotton, upon an allegation that it could not be an American production, there being, as they supposed, no cotton raised in America. They would hardly think so now!

Well, sir, we know what followed. The age of cotton became a golden age for our southern brethren. It gratified their desire for improvement and accumulation, at the same time that it excited it. The desire grew by what it fed upon, and there soon came to be an eagerness for other territory — a new area or new areas for the cultivation of the cotton crop; and measures leading to this result, were brought about somewhat rapidly, one after another, under the lead of southern men at the head of the government, they having a majority in both branches, to accomplish their ends. The honorable member from South Carolina observed, that there has been a majority all along in favor of the north. If that be true, sir, the

north has acted either very liberally and kindly, or very weakly; for they never exercised that majority five times in the history of the government. Never. Whether they were out-generaled, or whether it was owing to other causes, I shall not stop to consider, but no man acquainted with the history of the country can deny, that the general lead in the politics of the country, for three-fourths of the period that has elapsed since the adoption of the constitution, has been a southern lead. In 1802, in pursuit of the idea of opening a new cotton region, the United States obtained a cession from Georgia of the whole of her western territory, now embracing the rich and growing state of Alabama. In 1803 Louisiana was purchased from France, out of which the states of Louisiana, Arkansas, and Missouri have been framed, as slaveholding states. In 1819 the cession of Florida was made, bringing another cession of slaveholding property and territory.

Sir, the honorable member from South Carolina thought he saw in certain operations of the government, such as the manner of collecting the revenue and the tendency of those measures to promote emigration into the country, what accounts for the more rapid growth of the north than the south. He thinks that more rapid growth was not the operation of time, but of the system of government established under this constitution. That is a matter of opinion. To a certain extent, it may be so; but it does seem to me, that if any operation of the government could be shown in any degree to have promoted the population, and growth, and wealth of the north, it is much more sure that there are sundry important and distinct operations of the government, about which no man can doubt, tending to promote, and which absolutely have promoted, the increase of the slave interest, and the slave territory, of the south. Allow me to say, that it was not time that brought in Louisiana; it was the act of men. It was not time that brought in Florida; it was the act of men. And lastly, sir, to complete those acts of

men, which have contributed so much to enlarge the area and the sphere of the institution of slavery, Texas—great, and vast, and illimitable Texas—was added to the Union, as a slave state, in 1845; and that, sir, pretty much closed the whole chapter, and settled the whole account. That closed the whole chapter —that settled the whole account—because the annexation of Texas, upon the conditions and under the guaranties upon which she was admitted, did not leave an acre of land, capable of being cultivated by slave labor, between this capitol and the Rio Grande, or the Nueces, or whatever is the proper boundary of Texas—not an acre, not one. From that moment, the whole country from this place to the western boundary of Texas, was fixed, pledged, fastened, decided, to be slave territory forever, by the solemn guaranties of law.

And I now say, sir, as the proposition upon which I stand this day, and upon the truth and firmness of which I intend to act until it is overthrown, that there is not, at this moment, within the United States, or any territory of the United States, a single foot of land, the character of which, in regard to its being free-soil territory or slave territory, is not fixed by some law, and some irrepealable law, beyond the power of the action of this government. Now, is it not so with respect to Texas? Why, it is most manifestly so. The honorable senator from South Carolina, at the time of the admission of Texas, held an important post in the executive department of the government; he was secretary of state. Another eminent person, of great activity and adroitness in affairs—I mean the late secretary of the treasury, (Mr. Walker)—was a leading member of this body, and took the lead in the business of annexation; and I must say that they did their business faithfully and thoroughly; there was no botch left in it. They rounded it off, and made as close joiner-work as ever was put together. Resolutions of annexation were brought into congress fitly joined together—

compact, firm, efficient, conclusive upon the great object which they had in view, and those resolutions passed.

Allow me to read the resolution. It is the third clause of the second section of the resolution of the 1st of March, 1845, for the admission of Texas, which applies to this part of the case. That clause reads in these words:

"New states, of convenient size, not exceeding four in number, in addition to said state of Texas, and having sufficient population, may hereafter, by the consent of said state, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the federal constitution. And such states as may be formed out of that portion of said territory lying south of 36 degrees 30 minutes north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union, with or without slavery, as the people of each state, asking admission, may desire; and in such state or states as shall be formed out of said territory north of said Missouri compromise line, slavery or involuntary servitude (except for crime) shall be prohibited."

Now what is here stipulated, enacted, secured? It is, that all Texas south of 36 degrees 30 minutes, which is nearly the whole of it, shall be admitted into the Union as a slave state. It was a slave state, and therefore came in as a slave state, and the guaranty is, that new states shall be made out of it; and that such states as are formed out of that portion of Texas lying south of 36 degrees 30 minutes, may come in as slave states, to the number of four, in addition to the state then in existence, and admitted at that time by these resolutions. I know no mode of legislation which can strengthen that. I know no form of recognition that can add a tittle of weight to it. I listened respectfully to the resolutions of my honorable friend from Tennessee, (Mr. Bell.) He proposed to recognize that stipulation with Texas. But any additional recognition would weaken the force of it, because it stands here on the ground of a contract, a thing done, for a consideration. It is a

law founded on a contract with Texas, and designed to carry that contract into effect. A recognition founded not on any consideration, or any contract, would not be so strong as it now stands on the face of the resolution. Now, I know no way, I candidly confess, in which this government, acting in good faith, as I trust it always will, can relieve itself from that stipulation and pledge by any honest course of legislation whatever. And, therefore, I say again, that so far as Texas is concerned—the whole of Texas south of 36 degrees 30 minutes, which I suppose embraces all the slave territory—there is no land, not an acre, the character of which is not established by law—a law which cannot be repealed without the violation of a contract, and plain disregard of the public faith.

I hope, sir, it is now apparent, that my proposition, so far as Texas is concerned, has been maintained; and the provision in this article—and it has been well suggested by my friend from Rhode Island, that that part of Texas which lies north of thirty-four degrees of north latitude may be formed into free states—is dependent, in like manner, upon the consent of Texas, herself a slave state.

Well, now, sir, how came this?—how came it, that within these walls, where it is said by the honorable member from South Carolina, the free states have a majority—that this resolution of annexation, such as I have described it, found a majority in both houses of congress? Why, sir, it found that majority by the great addition of northern votes added to the entire southern vote, or, at least, nearly the whole of the southern votes. That majority was made up of northern as well as of southern votes. In the house of representatives it stood, I think, about eighty southern votes and about fifty northern votes for the admission of Texas. In the senate the vote stood for the admission of Texas twenty-seven, and twenty-five against it; and of those twenty-seven votes, constituting a majority for the admission of Texas, in this body, no less than thirteen of

them came from the free states; four of them were from New England. The whole of these thirteen senators, from the free states—within a fraction, you see, of one-half of all the votes in this body for the admission of Texas, with its immeasurable extent of slave territory—were sent here by the votes of free states.

Sir, there is not so remarkable a chapter in our history of political events, political parties, and political men, as is afforded by this measure for the admission of Texas, with this immense territory, over which a bird cannot fly in a week. Sir, New England, with some of her votes, supported this measure. Three-fourths of the votes of liberty-loving Connecticut went for it in the other house, and one-half here. There was one vote for it in Maine, but I am happy to say, not the vote of the honorable member who addressed the senate the day before yesterday, (Mr. Hamlin,) and who was then a representative from Maine in the other house; but there was a vote or two from Maine—ay, and there was one vote for it in Massachusetts, the gentleman then representing, and now living in, the district in which the prevalence of free-soil sentiment for a couple of years or so, has defeated the choice of any member to represent it in congress. Sir, that body of northern and eastern men, who gave those votes at that time, are now seen taking upon themselves, in the nomenclature of politics, the appellation of the northern democracy. They undertook to wield the destinies of this empire—if I may call a republic an empire—and their policy was, and they persisted in it, to bring into this country all the territory they could. They did it under pledges—absolute pledges to the slave interest in the case of Texas, and afterward they lent their aid in bringing in these new conquests. My honorable friend from Georgia, in March, 1847, moved the senate to declare that the war ought not to be prosecuted for acquisition, for conquest, for the dismemberment of Mexico. The same northern democracy entirely voted

against it. He did not get a vote from them. It suited the views, the patriotism, the elevated sentiments of the northern democracy to bring in a world here, among the mountains and valleys of California and New Mexico, or any other part of Mexico, and then quarrel about it; to bring it in, and then endeavor to put upon it the saving grace of the Wilmot proviso. There were two eminent and highly respectable gentlemen from the north and east, then leading gentlemen in the senate—I refer, and I do so with entire respect, for I entertain for both of those gentlemen in general, high regard, to Mr. Dix, of New York, and Mr. Niles, of Connecticut, who voted for the admission of Texas. They would not have that vote any other way than as it stood; and they would have it as it did stand. I speak of the vote upon the annexation of Texas. Those two gentlemen would have the resolution of annexation just as it is, and they voted for it just as it is, and their eyes were all open to it. My honorable friend, the member from South Carolina, who addressed us the other day, was then secretary of state. His correspondence with Mr. Murphy, the chargé de affaires of the United States in Texas, had been published. That correspondence was all before those gentlemen, and the secretary had the boldness and candor to avow in that correspondence, that the great object sought by the annexation of Texas was to strengthen the slave interest of the south. Why, sir, he said, in so many words ——

Mr. Calhoun. Will the honorable senator permit me to interrupt him for a moment?

Certainly.

Mr. Calhoun. I am very reluctant to interrupt the honorable gentleman; but, upon a point of so much importance, I deem it right to put myself *rectus*. I did not put it upon the ground assumed by the senator. I put it upon this ground: that Great Britain had announced to this country, in so many words, that her object was to abolish slavery in Texas, and through Texas, to ac-

complish the abolishment of slavery in the United States and the world. The ground I put it on was, that it would make an exposed frontier, and, if Great Britain succeeded in her object, it would be impossible that that frontier could be secured against the aggression of the abolitionists; and that this government was bound, under the guaranties of the constitution, to protect us against such a state of things.

That comes, I suppose, sir, to exactly the same thing. It was, that Texas must be obtained for the security of the slave interest of the south.

Mr. Calhoun. Another view is very distinctly given.

That was the object set forth in the correspondence of a worthy gentleman not now living, who preceded the honorable member from South Carolina in that office. There repose on the files of the department of state, as I have occasion to know, strong letters from Mr. Upshur to the United States minister in England, and I believe there are some to the same minister from the honorable senator himself, asserting to this effect the sentiments of this government; that Great Britain was expected not to interfere to take Texas out of the hands of its then existing government, and make it a free country. But my argument, my suggestion is this: that those gentlemen who composed the northern democracy, when Texas was brought into the Union, saw, with all their eyes, that it was brought in as a slave country, and brought in for the purpose of being maintained, as slave territory, to the Greek Kalends. I rather think the honorable gentleman, who was then secretary of state, might, in some of his correspondence with Mr. Murphy, have suggested that it was not expedient to say too much about this object, that it might create some alarm. At any rate, Mr. Murphy wrote to him, that England was anxious to get rid of the constitution of Texas, because it was a constitution establishing slavery, and that what the United States had to do, was to aid

the people of Texas in upholding their constitution; but that nothing should be said which should offend the fanatical men of the north. But, sir, the honorable member did avow this object, himself, openly, boldly, and manfully; he did not disguise his conduct or his motives.

Mr. Calhoun. Never, never!

What he means he is very apt to say.

Mr. Calhoun. Always, always.

And I honor him for it. This admission of Texas was in 1845. Then, in 1847, *flagrante bello* between the United States and Mexico, the proposition I have mentioned, was brought forward by my friend from Georgia, and the northern democracy voted straight ahead against it. Their remedy was to apply to the acquisitions, after they should come in, the Wilmot proviso. What follows? These two gentlemen, worthy and honorable, and influential men—and if they had not been, they could not have carried the measure—these two gentlemen, members of this body, brought in Texas, and by their votes they also prevented the passage of the resolution of the honorable member from Georgia, and then they went home and took the lead in the free-soil party. And there they stand, sir! They leave us here, bound in honor and conscience by the resolutions of annexation; they leave us here to take the odium of fulfilling the obligations, in favor of slavery, which they voted us into, or else the greater odium of violating those obligations, while they are at home making rousing and capital speeches for free soil and no slavery. And therefore I say, sir, that there is not a chapter in our history, respecting public measures and public men, more full of what should create surprise, more full of what does create, in my mind, extreme mortification, than that of the conduct of this northern democracy.

Mr. President, sometimes, when a man is found in a new re-

lation to things around him, and to other men, he says that the world has changed, and that he has not changed. I believe, sir, that our self-respect leads us often to make this declaration in regard to ourselves, when it is not exactly true. An individual is more apt to change, perhaps, than all the world around him. But, under the present circumstances, and under the responsibility which I know I incur by what I am now stating here, I feel at liberty to recur to the various expressions and statements, made at various times, of my own opinions and resolutions respecting the admission of Texas, and all that has followed. Sir, as early as 1836, or in the earlier part of 1837, a matter of conversation and correspondence between myself and some private friends, was this project of annexing Texas to the United States; and an honorable gentleman, with whom I have had a long acquaintance, a friend of mine, now perhaps in this chamber—I mean General Hamilton, of South Carolina—was knowing to that correspondence. I had voted for the recognition of Texan independence, because I believed it was an existing fact, surprising and astonishing as it was, and I wished well to the new republic; but I manifested from the first utter opposition to bringing her, with her territory, into the Union. I had occasion, sir, in 1837, to meet friends in New York, on some political occasion, and I then stated my sentiments upon the subject. It was the first time that I had occasion to advert to it; and I will ask a friend near me to do me the favor to read an extract from the speech, for the senate may find it rather tedious to listen to the whole of it. It was delivered in Niblo's Garden, in 1837.

Mr. Greene then read the following extract from the speech of the honorable senator, to which he referred:

"Gentlemen, we all see that, by whomsoever possessed, Texas is likely to be a slave-holding country; and I frankly avow my entire unwillingness to do anything that shall extend the slavery of the African race on this continent, or add other slave-holding states to

the Union. When I say that I regard slavery in itself as a great moral, social, and political evil, I only use language which has been adopted by distinguished men, themselves citizens of slave-holding states. I shall do nothing, therefore, to favor or encourage its further extension. We have slavery already among us. The constitution found it among us; it recognized it, and gave it solemn guaranties. To the full extent of these guaranties we are all bound, in honor, in justice, and by the constitution. All the stipulations contained in the constitution in favor of the slave-holding states which are already in the Union, ought to be fulfilled, and, so far as depends on me, shall be fulfilled, in the fullness of their spirit and to the exactness of their letter. Slavery, as it exists in the states, is beyond the reach of congress. It is a concern of the states themselves; they have never submitted it to congress, and congress has no rightful power over it. I shall concur, therefore, in no act, no measure, no menace, no indication of purpose, which shall interfere or threaten to interfere with the exclusive authority of the several states over the subject of slavery as it exists within their respective limits. All this appears to me to be matter of plain and imperative duty.

"But when we come to speak of admitting new states, the subject assumes an entirely different aspect. Our rights and our duties are then both different. . . . . .

"I see, therefore, no political necessity for the annexation of Texas to the Union; no advantages to be derived from it; and objections to it of a strong, and, in my judgment, decisive character."

I have nothing, sir, to add to, nor to take back, from those sentiments. That, the senate will perceive, was in 1837. The purpose of immediately annexing Texas, at that time, was abandoned or postponed, and it was not revived, with any vigor for some years. In the mean time, it had so happened, that I had become a member of the executive administration, and was, for a short period, in the department of state. The annexation of Texas was a subject of conversation—not confidential—with the president and heads of departments, as well as with other public men. No serious attempt was then made, however, to bring it about. I left the department of state in May, 1843,

and shortly after, I learned, though no way connected with official information, that a design had been taken up, of bringing Texas, with her slave territory and population, into the United States. I was here, in Washington, at the time; and persons are now here who will remember, that we had an arranged meeting for conversation upon it. I went home, to Massachusetts, and proclaimed the existence of that purpose; but I could get no audience, and but little attention. Some did not believe it, and some were too much engaged in their own pursuits to give it any heed. They had gone to their farms, or to their merchandize, and it was impossible to arouse any sentiment in New England or in Massachusetts that should combine the two great political parties against this annexation; and, indeed, there was no hope of bringing the northern democracy into that view, for the leaning was all the other way. But, sir, even with whigs, and leading whigs, I am ashamed to say, there was a great indifference toward the admission of Texas, with slave territory, into this Union. It went on. I was then out of congress. The annexation resolution passed the 1st of March, 1845. The legislature of Texas complied with the conditions, and accepted the guaranties; for the phraseology of the language of the resolution is, that Texas is to come in "upon the conditions, and under the guaranties, herein prescribed." I happened to be returned to the senate in March, 1845, and was here in December, 1845, when the acceptance by Texas, of the conditions proposed by congress, were laid before us by the president; and an act, for the consummation of the connection, was laid before the two houses. The connection was not completed. A final law, doing the deed of annexation ultimately, had not been passed; and when it was upon its final passage here, I expressed my opposition to it, and recorded my vote in the negative; and there that vote stands, with the observations that I made upon that occasion. It has happened, that between 1837 and this time, on various occasions and opportunities, I

have expressed my entire opposition to the admission of slave states, or the acquisition of new slave territories, to be added to the United States. I know, sir, no change in my own sentiments, or my own purposes, in that respect. I will now, again, ask my friend from Rhode Island, to read another extract from a speech of mine, made at a whig convention, in Springfield, Massachusetts, in the month of September, 1847.

Mr. Greene here read the following extract from the speech:

"We hear much just now of a *panacea* for the dangers and evils of slavery and slave annexation, which they call the '*Wilmot Proviso.*' That certainly is a just sentiment, but it is not a sentiment to found any new party upon. It is not a sentiment on which Massachusetts whigs differ. There is not a man in this hall who holds to it more firmly than I do, nor one who adheres to it more than another.

"I feel some little interest in this matter, sir. Did not I commit myself in 1838 to the whole doctrine, fully, entirely? And I must be permitted to say, that I cannot quite consent that more recent discoveries should claim the merit and take out a patent.

"I deny the priority of their invention. Allow me to say, sir, it is not their thunder. . . . . .

"We are to use the first, and last, and every occasion which offers, to oppose the extension of slave power.

"But I speak of it here, as in congress, as a political question—a question for statesmen to act upon. We must so regard it. I certainly do not mean to say that it is less important in a moral point of view—that it is not more important in many other points of view; but, as a legislator, or in any official capacity, I must look at it, consider it, and decide it, as a matter of political action."

On other occasions, in debates here, I have expressed my determination to vote for no acquisition, or cession, or annexation, north or south, east or west. My opinion has been, that we have territory enough, and that we should follow the Spartan maxim, "Improve, adorn what you have, seek no farther." I think that it was in some observations that I made here on the

three million loan bill, that I avowed that sentiment. In short, sir, the sentiment has been avowed quite as often, in as many places, and before as many assemblages, as any humble sentiments of mine ought to be avowed.

But now that, under certain conditions, Texas is in, with all her territories, as a slave state, with a solemn pledge that if she is divided into many states, those states may come in as slave states south of 36 degrees 30 minutes, how are we to deal with this subject? I know no way of honorable legislation, when the proper time comes for the enactment, but to carry into effect all that we have stipulated to do. I do not entirely agree with my honorable friend from Tennessee, (Mr. Bell,) that, as soon as the time comes when she is entitled to another representative, we should create a new state. The rule in regard to it I take to be this: that when we have created new states out of territories, we have generally gone upon the idea, that when there is population enough to form a state—sixty thousand, or some such thing—we would create a state; but it is quite a different thing when a state is divided, and two or more states made out of it. It does not follow, in such a case, that the same rule of apportionment should be applied. That, however, is a matter for the consideration and discretion of congress, when the proper time arrives. I may not then be here—I may have no vote to give on the occasion; but I wish it to be distinctly understood, to-day, that, according to my view of the matter, this government is solemnly pledged, by law and contract, to create new states out of Texas, with her consent, when her population shall justify such a proceeding, and so far as such states are formed out of Texan territory lying south of 36 degrees 30 minutes, to let them come in as slave states. The time of admission, and requisite population, must depend, of course, on the discretion of congress. But when new states shall be formed out of Texas, they have a fixed right to come into the Union as slave states. That is the meaning of the

resolution which our friends, the northern democracy, have left us to fulfill; and I, for one, mean to fulfill it, because I will not violate the faith of the government.

Now, as to California and New Mexico, I hold slavery to be excluded from those territories by a law even superior to that which admits and sanctions it in Texas—I mean the law of nature—of physical geography—the law of the formation of the earth. That law settles forever, with a strength beyond all terms of human enactment, that slavery cannot exist in California or New Mexico. Understand me, sir—I mean slavery as we regard it; slaves in gross, of the colored race, transferable by sale and delivery, like other property. I shall not discuss the point, but leave it to the learned gentlemen who have undertaken to discuss it; but I suppose there is no slave of that description in California now. I understand that *peonism*, a sort of penal servitude, exists there; or, rather, a voluntary sale of a man and his offspring for debt, as it is arranged and exists in some parts of California and New Mexico. But what I mean to say is, that African slavery, as we see it among us, is as utterly impossible to find itself, or to be found in Mexico, as any other natural impossibility.

California and New Mexico are Asiatic, in their formation and scenery. They are composed of vast ridges of mountains, of enormous height, with broken ridges and deep valleys. The sides of these mountains are barren—entirely barren—their tops capped by perennial snow. There may be in California, now made free by its constitution—and no doubt there are—some tracts of valuable land. But it is not so in New Mexico. Pray, what is the evidence which every gentleman must have obtained on this subject, from information sought by himself or communicated by others? I have inquired, and read all I could find, in order to obtain information on this important question. What is there in New Mexico that could by any possibility induce anybody to go there with slaves? There

are some narrow strips of tillable land on the borders of the rivers; but the rivers themselves dry up before midsummer is gone. All that the people can do, is to raise some little articles—some little wheat for their tortillas—and all that by irrigation. And who expects to see a hundred black men cultivating tobacco, corn, cotton, rice, or anything else, on lands in New Mexico, made fertile only by irrigation? I look upon it, therefore, as a fixed fact, to use an expression current at this day, that both California and New Mexico are destined to be free, so far as they are settled at all, which I believe, especially in regard to New Mexico, will be very little for a great length of time—free by the arrangement of things by the Power above us. I have therefore to say, in this respect also, that this country is fixed for freedom, to as many persons as shall ever live there, by as irrepealable and a more irrepealable law, than the law that attaches to the right of holding slaves in Texas; and I will say further, that if a resolution, or a law, were now before us, to provide a territorial government for New Mexico, I would not vote to put any prohibition into it whatever. The use of such a prohibition would be idle, as it respects any effect it would have upon the territory; and I would not take pains to reäffirm an ordinance of nature, nor to reënact the will of God. And I would put in no Wilmot proviso, for the purpose of a taunt or a reproach. I would put into it no evidence of the votes of superior power, to wound the pride, even whether a just pride, a rational pride, or an irrational pride—to wound the pride of the gentlemen who belong to the southern states. I have no such object—no such purpose. They would think it a taunt—an indignity. They would think it to be an act taking away from them what they regard a proper equality of privilege; and whether they expect to realize any benefit from it or not, they would think it a theoretic wrong—that something more or less derogatory to their character and their rights had taken place. I propose to inflict no such wound

upon anybody, unless something essentially important to the country, and efficient to the preservation of liberty and freedom, is to be effected. Therefore, I repeat, sir—and I repeat it because I wish it to be understood—that I do not propose to address the senate often on this subject. I desire to pour out all my heart in as plain a manner as possible; and I say again, that if a proposition were now here for a government for New Mexico, and it was moved to insert a provision for a prohibition of slavery, I would not vote for it.

Now, Mr. President, I have established, so far as I proposed to go into any line of observation to establish, the proposition with which I set out, and upon which I propose to stand or fall; and that is, that the whole territory of the states in the United States, or in the newly acquired territory of the United States, has a fixed and settled character, now fixed and settled by law, which cannot be repealed in the case of Texas, without a violation of public faith, and cannot be repealed by any human power in regard to California or New Mexico; that, under one or other of these laws, every foot of territory in the states, or in the territories, has now received a fixed and decided character.

Sir, if we were now making a government for New Mexico, and anybody should propose a Wilmot proviso, I should treat it exactly as Mr. Polk treated that provision for excluding slavery from Oregon. Mr. Polk was known to be in opinion decidedly averse to the Wilmot proviso; but he felt the necessity of establishing a government for the territory of Oregon, and, though the proviso was there, he knew it would be entirely nugatory; and, since it must be entirely nugatory, since it took away no right, no describable, no estimable, no weighable, or tangible right of the south, he said he would sign the bill for the sake of enacting a law to form a government in that territory, and let that entirely useless, and, in that connection, entirely senseless, proviso remain.

For myself, I will say that we hear much of the annexation of Canada; and if there be any man, any of the northern democracy, or any one of the free-soil party, who supposes it necessary to insert a Wilmot proviso in a territorial government for New Mexico, that man will of course be of opinion that it is necessary to protect the everlasting snows of Canada from the foot of slavery, by the same overpowering wing of an act of congress. Sir, wherever there is a particular good to be done—wherever there is a foot of land to be staid back from becoming slave territory—I am ready to assert the principle of the exclusion of slavery. I am pledged to it from the year 1837; I have been pledged to it again and again; and I will perform those pledges; but I will not do a thing unnecessary, that wounds the feelings of others, or that does disgrace to my own understanding.

Mr. President, in the excited times in which we live, there is found to exist a state of crimination and recrimination between the north and the south. There are lists of grievances produced by each; and those grievances, real or supposed, alienate the minds of one portion of the country from the other, exasperate the feelings, and subdue the sense of fraternal connection, and patriotic love, and mutual regard. I shall bestow a little attention, sir, upon these various grievances, produced on the one side and on the other.

I begin with the complaints of the south: I will not answer, farther than I have, the general statements of the honorable senator from South Carolina, that the north has grown upon the south in consequence of the manner of administering this government, in the collecting of its revenues, and so forth. These are disputed topics, and I have no inclination to enter into them. But I will state these complaints, especially one complaint of the south, which has in my opinion just foundation; and that is, that there has been found at the north, among individuals and among legislatures of the north, a disinclination

to perform, fully, their constitutional duties, in regard to the return of persons bound to service, who have escaped into the free states.

In that respect, it is my judgment that the south is right, and the north is wrong. Every member of every northern legislature is bound, by oath, like every other officer in the country, to support the constitution of the United States; and this article of the constitution, which says to these states, they shall deliver up fugitives from service, is as binding in honor and conscience as any other article. No man fulfills his duty in any legislature who sets himself to find excuses, evasions, escapes from this constitutional obligation. I have always thought that the constitution addressed itself to the legislatures of the states themselves, or to the states themselves. It says, that those persons escaping to other states, shall be delivered up, and I confess I have always been of the opinion, that it was an injunction upon the states themselves. When it is said that a person escaping into another state, and becoming therefore within the jurisdiction of that state, shall be delivered up, it seems to me the import of the passage is, that the state itself, in obedience to the constitution, shall cause him to be delivered up. That is my judgment. I have always entertained that opinion, and I entertain it now. But when the subject, some years ago, was before the supreme court of the United States, the majority of the judges held that the power to cause fugitives from service to be delivered up, was a power to be exercised under the authority of this government. I do not know, on the whole, that it may not have been a fortunate decision. My habit is to respect the result of judicial deliberations, and the solemnity of judicial decisions.

But, as it now stands, the business of seeing that these fugitives are delivered up, resides in the power of congress, and the national judicature, and my friend at the head of the judiciary committee has a bill on the subject, now before the senate, with

some amendments to it, which I propose to support, with all its provisions, to the fullest extent. And I desire to call the attention of all sober-minded men, of all conscientious men, in the north, of all men who are not carried away by any fanatical idea, or by any false idea whatever, to their constitutional obligations. I put it to all the sober and sound minds at the north, as a question of morals and a question of conscience, What right have they, in all their legislative capacity, or any other, to endeavor to get round this constitution, to embarass the free exercise of the rights secured by the constitution, to the persons whose slaves escape from them? None at all — none at all. Neither in the forum of conscience, nor before the face of the constitution, are they justified, in my opinion. Of course, it is a matter for their consideration. They probably, in the turmoil of the times, have not stopped to consider of this; they have followed what seemed to be the current of thought and of motives as the occasion arose, and neglected to investigate fully the real question, and to consider their constitutional obligations, as I am sure, if they did consider, they would fulfill them with alacrity. Therefore, I repeat, sir, that here is a ground of complaint against the north, well founded, which ought to be removed — which it is now in the power of the different departments of this government to remove — which calls for the enactment of proper laws, authorizing the judicature of this government, in the several states, to do all that is necessary for the recapture of fugitive slaves, and for the restoration of them to those who claim them. Wherever I go, and whenever I speak on the subject — and when I speak here, I desire to speak to the whole north — I say that the south has been injured in this respect, and has a right to complain; and the north has been too careless of what I think the constitution peremptorily and emphatically enjoins upon it as a duty.

Complaint has been made against certain resolutions that

emanate from legislatures at the north, and are sent here to us, not only on the subject of slavery in this district, but sometimes recommending congress to consider the means of abolishing slavery in the states. I should be sorry to be called upon to present any resolutions here which could not be referable to any committee or any power in congress, and, therefore, I should be unwilling to receive from the legislature of Massachusetts any instructions to present resolutions, expressive of any opinion whatever on the subject of slavery, as it exists at the present moment in the states, for two reasons; because — first, I do not consider that the legislature of Massachusetts has anything to do with it; and next, I do not consider that I, as her representative here, have anything to do with it. Sir, it has become, in my opinion, quite too common; and if the legislatures of the states do not like that opinion, they have a great deal more power to put it down, than I have to uphold it. It has become, in my opinion, quite too common a practice for the state legislatures to present resolutions here on all subjects, and to instruct us here on all subjects. There is no public man that requires instruction more than I do, or who requires information more than I do, or desires it more heartily; but I do not like to have it come in too imperative a a shape.

I took notice, with pleasure, of some remarks upon this subject made the other day in the senate of Massachusetts, by a young man of talent and character, from whom the best hopes may be entertained. I mean Mr. Hillard. He told the senate of Massachusetts that he would vote for no instructions whatever to be forwarded to members of congress, nor for any resolutions to be offered, expressive of the sense of Massachusetts, as to what their members of congress ought to do. He said that he saw no propriety in one set of public servants giving instructions and reading lectures to another set of public servants. To their own master, all of them must stand or fall, and that

master is their constituents. I wish these sentiments could become more common — a great deal more common. I have never entered into the question, and never shall, about the binding force of instructions. I will, however, simply say this: if there be any matter of interest pending in this body, while I am a member of it, in which Massachusetts has an interest of her own, not adverse to the general interest of the country, I shall pursue her instructions with gladness of heart, and with all the efficiency which I can bring to the occasion. But if the question be one which affects her interest, and at the same time affects the interests of all other states, I shall no more regard her political wishes or instructions, than I would regard the wishes of a man who might appoint me an arbitrator or referee, to decide some question of important private right, and who might *instruct* me to decide in his favor. If ever there was a government upon earth, it is this government; if ever there was a body upon earth, it is this body, which should consider itself as composed by agreement of all, appointed by some, but organized by the general consent of all, sitting here under the solemn obligations of oath and conscience, to do that which they think is best for the good of the whole.

Then, sir, there are those abolition societies, of which I am unwilling to speak, but in regard to which I have very clear notions and opinions. I do not think them useful. I think their operations for the last twenty years have produced nothing good or valuable. At the same time, I know thousands of them are honest and good men; perfectly well-meaning men. They have excited feelings; they think they must do something for the cause of liberty; and in their sphere of action, they do not see what else they can do, than to contribute to an abolition press, or an abolition society, or to pay an abolition lecturer. I do not mean to impute gross motives even to the leaders of these societies, but I am not blind to the consequences. I cannot but see what mischiefs their interference

with the south has produced. And is it not plain to every man? Let any gentleman who doubts of that, recur to the debates in the Virginia house of delegates in 1832, and he will see with what freedom a proposition, made by Mr. Randolph for the gradual abolition of slavery, was discussed in that body. Every one spoke of slavery as he thought; very ignominious and disparaging names and epithets were applied to it. The debates in the house of delegates on that occasion, I believe, were all published. They were read by every colored man who could read, and if there were any who could not read, those debates were read to them by others. At that time Virginia was not unwilling nor afraid to discuss this question, and to let that part of her population know as much of it as they could learn. That was in 1832.

As has been said by the honorable member from Carolina, these abolition societies commenced their course of action in 1835. It is said — I do not know how true it may be — that they sent incendiary publications into the slave states; at any event, they attempted to arouse, and did arouse, a very strong feeling; in other words, they created great agitation in the north against southern slavery. Well, what was the result? The bonds of the slaves were bound more firmly than before; their rivets were more strongly fastened. Public opinion, which in Virginia had begun to be exhibited against slavery, and was opening out for the discussion of the question, drew back and shut itself up in its castle. I wish to know whether any body in Virginia can, now, talk as Mr. Randolph, Governor McDowell, and others talked there, openly, and sent their remarks to the press, in 1832. We all know the fact, and we all know the cause, and everything that this agitating people have done, has been, not to enlarge, but to restrain, not to set free, but to bind faster, the slave population of the south. That is my judgment.

Sir, as I have said, I know many abolitionists in my own neighborhood, very honest, good people, misled, as I think, by

strange enthusiasm; but they wish to do something, and they are called on to contribute, and they do contribute; and it is my firm opinion this day, that within the last twenty years, as much money has been collected and paid to the abolition societies, abolition presses, and abolition lecturers, as would purchase the freedom of every slave, man, woman, and child in the state of Maryland, and send them all to Liberia. I have no doubt of it. But I have yet to learn that the benevolence of these abolition societies has at any time taken that particular turn.

Again, sir, the violence of the press is complained of. The press violent! Why, sir, the press is violent everywhere. There are outrageous reproaches in the north against the south, and there are reproaches in not much better taste in the south against the north. Sir, the extremists of both parts of this country are violent; they mistake loud and violent talk for eloquence and for reason. They think that he who talks loudest, reasons the best. And this we must expect, when the press is free, as it is here — and I trust always will be — for, with all its licentiousness, and all its evil, the entire and absolute freedom of the press is essential to the preservation of government, on the basis of a free constitution. Wherever it exists, there will be foolish paragraphs, and violent paragraphs, in the press, as there are, I am sorry to say, foolish speeches and violent speeches in both houses of congress. In truth, sir, I must say that, in my opinion, the vernacular tongue of the country has become greatly vitiated, depraved, and corrupted, by the style of our congressional debates. And if it were possible for our debates in congress to vitiate the principles of the people as much as they have depraved their taste, I should cry out, "God save the republic."

Well, in all this I see no solid grievance — no grievance presented by the south, within the redress of the government, but the single one to which I have referred; and that is, the want of a proper regard to the injunction of the constitution, for the delivery of fugitive slaves.

There are also complaints of the north against the south. I need not go over them particularly. The first and gravest is, that the north adopted the constitution, recognizing the existence of slavery in the states, and recognizing the right to a certain extent, of representation of the slaves in congress, under a state of sentiment and expectation which do not now exist; and that, by events, by circumstances, by the eagerness of the south to acquire territory, and extend their slave population, the north finds itself, in regard to the influence of the south and the north, of the free states and the slave states, where it never did expect to find itself when they entered the compact of the constitution. They complain, therefore, that, instead of slavery being regarded as an evil, as it was then, an evil which all hoped would be extinguished gradually, it is now regarded by the south as an institution to be cherished, and preserved, and extended — an institution which the south has already extended to the utmost of her power by the acquisition of new territory. Well, then, passing from that, everybody in the north reads; and everybody reads whatsoever the newspapers contain; and the newspapers, some of them — especially those presses to which I have alluded — are careful to spread about among the people every reproachful sentiment uttered by any southern man bearing at all against the north — everything that is calculated to exasperate, to alienate; and there are many such things, as everybody will admit, from the south, or some portion of it, which are spread abroad among the reading people; and they do exasperate, and alienate, and produce a most mischievous effect upon the public mind at the north.

Sir, I would not notice things of this sort appearing in obscure quarters; but one thing has occurred in this debate which struck me very forcibly. An honorable member from Louisiana addressed us the other day on this subject. I suppose there is not a more amiable and worthy gentleman in this chamber, nor a gentleman who would be more slow to give offense

to anybody, and he did not mean in his remarks to give offense. But what did he say? Why, sir, he took pains to run a contrast between the slaves of the south and the laboring people of the north, giving the preference in all points of condition, and comfort, and happiness, to the slaves of the south. The honorable member, doubtless, did not suppose that he gave any offense, or did any injustice. He was merely expressing his opinion. But does he know how remarks of that sort will be received by the laboring people of the north? Why, who are the laboring people of the north? They are the north. They are the people who cultivate their own farms with their own hands — freeholders, educated men, independent men. Let me say, sir, that five-sixths of the whole property of the north, is in the hands of the laborers of the north; they cultivate their farms, they educate their children, they provide the means of independence; if they are not freeholders, they earn wages; these wages accumulate, are turned into capital, into new freeholds; and small capitalists are created. That is the case, and such the course of things, with us, among the industrious and frugal. And what can these people think when so respectable and worthy a gentleman as the member from Louisiana, undertakes to prove that the absolute ignorance, and the abject slavery of the south, is more in conformity with the high purposes and destinies of immortal, rational, human beings, than the educated, the independent free laborers of the north?

There is a more tangible, and irritating cause of grievance at the north. Free blacks are constantly employed in the vessels of the north, generally as cooks or stewards. When the vessel arrives, these free colored men, are taken on shore, by the police or municipal authority, imprisoned, and kept in prison, till the vessel is again ready to sail. This is not only irritating, but exceedingly inconvenient in practice, and seems altogether unjustifiable and oppressive. Mr. Hoar's mission, some time ago, to South Carolina, was a well-intended effort to re-

move this cause of complaint. The north thinks such imprisonment illegal, and unconstitutional; as the cases occur constantly and frequently, they think it a great grievance.

Now, sir, so far as any of these grievances have their foundation in matters of law, they can be redressed, and ought to be redressed; and so far as they have foundation in matters of opinion, in sentiment, in mutual crimination and recrimination, all that we can do is, to endeavor to allay the agitation, and cultivate a better feeling and more fraternal sentiments between the south and the north.

Mr. President, I should much prefer to have heard, from every member on this floor, declarations of opinion that this Union should never be dissolved, than the declaration of opinion that in any case, under the pressure of any circumstances, such a dissolution was possible. I hear with pain, and anguish, and distress, the word secession, especially when it falls from the lips of those who are eminently patriotic, and known to the country, and known all over the world, for their political services. Secession! Peaceable secession! Sir, your eyes and mine are never destined to see that miracle. The dismemberment of this vast country without convulsion! The breaking up of the fountains of the great deep without ruffling the surface! Who is so foolish — I beg everybody's pardon — as to expect to see any such thing? Sir, he who sees these states, now revolving in harmony around a common center, and expects to see them quit their places and fly off without convulsion, may look the next hour to see the heavenly bodies rush from their spheres, and jostle against each other in the realms of space, without producing the crush of the universe. There can be no such thing as a peaceable secession. Peaceable secession is an utter impossibility. Is the great constitution under which we live here — covering this whole country — is it to be thawed and melted away by secession, as the snows on the mountain melt under the influence of a vernal sun — disap-

pear almost unobserved, and die off? No, sir! no, sir! I will not state what might produce the disruption of the states; but, sir, I see it as plainly as I see the sun in heaven — I see that disruption must produce such a war as I will not describe, in its twofold characters.

Peaceable secession! peaceable secession! The concurrent agreement of all the members of this great republic to separate! A voluntary separation, with alimony on one side and on the other. Why, what would be the result? Where is the line to be drawn? What states are to secede? What is to remain American? What am I to be? — an American no longer? Where is the flag of the republic to remain? Where is the eagle still to tower? or is he to cower, and shrink, and fall to the ground? Why, sir, our ancestors — our fathers, and our grandfathers, those of them that are yet living among us with prolonged lives — would rebuke and reproach us; and our children, and our grandchildren, would cry out, Shame upon us! if we, of this generation should dishonor these ensigns of the power of the government, and the harmony of the Union, which is every day felt among us with so much joy and gratitude. What is to become of the army? What is to become of the navy? What is to become of the public lands? How is each of the thirty states to defend itself? I know, although the idea has not been stated distinctly, there is to be a southern confederacy. I do not mean, when I allude to this statement, that any one seriously contemplates such a state of things. I do not mean to say that it is true, but I have heard it suggested elsewhere, that that idea has originated in a design to separate. I am sorry, sir, that it has ever been thought of, talked of, or dreamed of, in the wildest flights of human imagination. But the idea must be of a separation, including the slave states upon one side, and the free states on the other. Sir, there is not — I may express myself too strongly, perhaps — but some things, some moral things, are almost as impossi-

ble as other natural or physical things; and I hold the idea of a separation of these states — those that are free to form one government, and those that are slaveholding to form another — as a moral impossibility. We could not separate the states by any such line, if we were to draw it. We could not sit down here to-day, and draw a line of separation, that would satisfy any five men in the country. There are natural causes that would keep and tie us together, and there are social and domestic relations which we could not break, if we would, and which we should not if we could.

Sir, nobody can look over the face of this country at the present moment — nobody can see where its population is most dense and growing — without being ready to admit, and compelled to admit, that, ere long, America will be in the valley of the Mississippi.

Well, now, sir, I beg to inquire what the wildest enthusiast has to say, on the possibility of cutting off that river, and leaving free states at its source and its branches, and slave states down near its mouth? Pray, sir—pray, sir, let me say to the people of this country, that these things are worthy of their pondering and of their consideration. Here, sir, are five millions of freemen in the free states north of the river Ohio: can anybody suppose that this population can be severed by a line that divides them from the territory of a foreign and an alien government, down somewhere, the Lord knows where, upon the lower banks of the Mississippi? What will become of Missouri? Will she join the arrondissment of the slave states? Shall the man from the Yellow Stone and the Platte be connected in the new republic with the man who lives on the southern extremity of the Cape of Florida? Sir, I am ashamed to pursue this line of remark. I dislike it—I have an utter disgust for it. I would rather hear of natural blasts and mildews, war, pestilence, and famine, than to hear gentlemen talk of secession. To break up! to break up this great government!

to dismember this great country! to astonish Europe with an act of folly, such as Europe for two centuries has never beheld in any government! No, sir! no, sir! There will be no secession. Gentlemen are not serious when they talk of secession.

Sir, I hear there is to be a convention held at Nashville. I am bound to believe that if worthy gentlemen meet at Nashville in convention, their object will be to adopt counsels conciliatory—to advise the south to forbearance and moderation, and to advise the north to forbearance and moderation, and to inculcate principles of brotherly love, and affection, and attachment to the constitution of the country, as it now is. I believe, if the convention meet at all, it will be for this purpose; for certainly, if they meet for any purpose hostile to the Union, they have been singularly inappropriate in their selection of a place. I remember, sir, that when the treaty was concluded between France and England, at the peace of Amiens, a stern old Englishman and an orator, who disliked the terms of the peace as ignominious to England, said in the house of commons, that if King William could know the terms of that treaty, he would turn in his coffiin. Let me commend this saying of Mr. Windham, in all its emphasis, and in all its force, to any persons who shall meet at Nashville for the purpose of concerting measures for the overthrow of the Union of this country, over the bones of Andrew Jackson.

Sir, I wish to make two remarks, and hasten to a conclusion. I wish to say, in regard to Texas, that if it should be hereafter at any time the pleasure of the government of Texas to cede to the United States a portion, larger or smaller, of her territory which lies adjacent to New Mexico and north of the thirty-fourth degree of north latitude, to be formed into free states, for a fair equivalent in money, or in the payment of her debt, I think it an object well worthy the consideration of congress, and I shall

be happy to concur in it myself, if I should be in the public counsels of the country at the time.

I have another remark to make: In my observations upon slavery as it has existed in the country, and as it now exists, I have expressed no opinion of the mode of its extinguishment or melioration. I will say, however, though I have nothing to propose on that subject, because I do not deem myself so competent as other gentlemen to consider it, that if any gentleman from the south shall propose a scheme of colonization, to be carried on by this government upon a large scale, for the transportation of free colored people to any colony or any place in the world, I should be quite disposed to incur almost any degree of expense to accomplish that object. Nay, sir, following an example set here more than twenty years ago, by a great man, then a senator from New York, I would return to Virginia, and through her for the benefit of the whole south, the money received from the lands and territories ceded by her to this government, for any such purpose as to relieve, in whole or in part, or in any way, to diminish or deal beneficially with, the free colored population of the southern states. I have said that I honor Virginia for her cession of this territory. There have been received into the treasury of the United States eighty millions of dollars, the proceeds of the sales of the public lands ceded by Virginia. If the residue should be sold at the same rate, the whole aggregate will exceed two hundred millions of dollars. If Virginia and the south see fit to adopt any proposition to relieve themselves from the free people of color among them, they have my free consent that the government shall pay them any sum of money out of its proceeds which may be adequate to the purpose.

And now, Mr. President, I draw these observations to a close. I have spoken freely, and I meant to do so. I have sought to make no display; I have sought to enliven the occasion by no animated discussion; nor have I attempted any train

of elaborate argument. I have sought only to speak my sentiments, fully and at large, being desirous, once and for all, to let the senate know, and to let the country know, the opinions and sentiments which I entertain on all these subjects. These opinions are not likely to be suddenly changed. If there be any future service that I can render to the country, consistently with these sentiments and opinions, I shall cheerfully render it. If there be not, I shall still be glad to have an opportunity to disburden my conscience from the bottom of my heart, and to make known every political sentiment that therein exists.

And now, Mr. President, instead of speaking of the possibility or utility of secession, instead of dwelling in these caverns of darkness, instead of groping with those ideas so full of all that is horrid and horrible, let us come out into the light of day; let us enjoy the fresh air of liberty and union; let us cherish those hopes which belong to us; let us devote ourselves to those great objects that are fit for our consideration and our action; let us raise our conceptions to the magnitude and the importance of the duties that devolve upon us; let our comprehension be as broad as the country for which we act, our aspirations as high as its certain destiny; let us not be pigmies in a case that calls for men. Never did there devolve, on any generation of men, higher trusts than now devolve upon us for the preservation of this constitution, and the harmony and peace of all who are destined to live under it. Let us make our generation one of the strongest, and the brightest link, in that golden chain which is destined, I fully believe, to grapple the people of all the states to this constitution, for ages to come. It is a great popular constitutional government, guarded by legislation, by law, by judicature, and defended by the whole affections of the people. No monarchical throne presses these states together; no iron chain of despotic power encircles them; they live and stand upon a government, popular in its form, representative in its character, founded upon principles of equal-

ity, and calculated, we hope, to last forever. In all its history it has been beneficent; it has trodden down no man's liberty; it has crushed no state. Its daily respiration is liberty and patriotism; its yet youthful veins are full of enterprise, courage, and honorable love of glory and renown. It has received a vast addition of territory. Large before, the country has now, by recent events, become vastly larger. This republic now extends, with a vast breadth, across the whole continent. The two great seas of the world wash the one and the other shore. We realize on a mighty scale, the beautiful description of the ornamental edging of the buckler of Achilles—

> "Now the broad shield complete the artist crowned,
> With his last hand, and poured the ocean round;
> In living silver seemed the waves to roll,
> And beat the buckler's verge, and bound the whole."

END OF VOL. II.

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